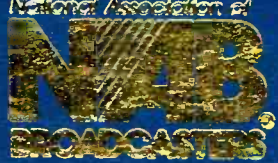
NATIONAL ASSOCIATION OF BROADCASTERS

LEGAL GUIDE

TO BROADCAST LAW AND REGULATION



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LEGAL GUIDE

To Broadcast Law and Regulation

MORTON COLLEGE
LEARNING RESOURCES CENTER
CICERO, ILL.

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INTRODUCTION TO FIFTH EDITION

The NAB's *Legal Guide to Broadcast Law and Regulation* has become a familiar part of the literature of our industry. The Fourth Edition has been favorably received by a wide readership. Drastic changes in technology and law have dictated a departure from our custom of publishing annual supplements and require, instead, the presentation of an entirely new, revised edition of the "Broadcaster's Bible."

While retaining the "functional" approach of its predecessor, this edition contains a large, expanded index and specifically notes the changes resulting from the 1996 Telecommunications Act.

This edition was prepared by William S. Green, a retired partner of Reed Smith Shaw & McClay, Washington, D.C., with the assistance of Melissa Stoll, a senior paralegal of that firm, and Diane Peterson of the NAB staff.

John I. Stewart of Crowell & Moring and Benjamin F.P. Ivins II, NAB Assistant General Counsel, prepared the parts on copyright and legal issues for online services. Benjamin F.P. Ivins II and Jack Goodman, NAB Special Counsel, contributed the part on cable television. The section on taxation was prepared by J. Michael Hines of Dow, Lohnes & Albertson, Washington, D.C. The section on antitrust regulations was prepared by Rosemary H. McEnery of Howrey & Simon, Washington, D.C. A special thanks to NAB Deputy General Counsel Barry Umansky for overall editing of this material.

In order to increase the usefulness of this volume to persons seeking additional information regarding a particular subject, case citations and rule references have been provided. Also included are an Index, Table of Cases and an Appendix containing numerous FCC application forms, the FCC Filing Fee and Regulatory Fee schedules, and other tables and documents.

As with any other work of this kind, the reader is reminded that this document is merely intended as a guide, and that legal advice pertaining to a particular problem should be obtained from an attorney. NAB members may also contact the Association's Legal Department for information at (202) 429-5430.

Henry L. Baumann
Executive Vice President
General Counsel

MORTON COLLEGE
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BROADCASTING AND ITS GOVERNANCE

While capturing America's eyes and ears, broadcasting has also captured America's hearts and minds. Through 13,627 stations,[1] the American public is informed, educated, amused, offended, cajoled, persuaded, entertained, led and occasionally misled by the broadcasting medium. Progressing from a tiny crystal set in a cigar box to giant satellite receivers, this medium has helped shape American society, its ills and thrills, its passions and prejudices.

Like all endeavors, broadcasting is subject to a multiplicity of laws and regulations from various and often conflicting jurisdictions. The centerpiece of broadcast regulation is the Communications Act of 1934, which has been amended and changed since the height of the Depression.

Enacted to replace the Radio Act of 1927, the 1934 Act divided electronic communications into two distinct areas — common carriers (telephone and telegraph) and broadcasting. The simple distinction between the two media was the intent of the sender. In the former the message was intended to reach an addressee; in the latter it was to be scattered to all (hence "broadcasting").

The 1996 Telecommunications Act (1996 Telecom Act) brought about significant changes in the functions of the Federal Communications Commission and the scope of its operations. As far as broadcasters are concerned, these changes resulted in lengthening the permissible license periods, altering broadcast multiple ownership rules, and reshaping the process of replacing broadcast licensees whose record of performance did not warrant license renewal.

The Communications Act is administered by a five-member Federal Communications Commission with headquarters operations located at 1919 M Street, NW, Washington, D. C. 20554; (202) 418-0304.

This agency, which by law cannot have more than three members of the same political party,[2] issues regulations, states policies and awards and revokes licenses, which affect the very existence of every person in the industry. These regulations can be found in Title 47 of the Code of Federal Regulations (CFR). The decisions of the Commission are published daily in a loose-leaf format and biweekly in bound copies of the *FCC Record*.

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[1]On July 31, 1996, there were 12,077 radio stations, and 1,550 TV stations on the air.

[2]Over the years the number of members of the FCC has varied, but the bipartisan composition has remained unchanged.

The CFR can be found in almost any library. The *FCC Record* is obtained by subscription and can be found in specialized libraries. Also, many of the Commission's decisions, public notices, press releases, reports, etc., can be obtained from the FCC's Internet website (www.fcc.gov). Additionally, the NAB maintains a website (www.nab.org) that provides, among other things, guidance on regulatory matters.

The Commission operates through a number of bureaus, each handling different aspects of its activities. The bureau of greatest interest to broadcasters is the Mass Media Bureau.

Unless otherwise directed, all communications, letters and pleadings are to be addressed to the Office of the Secretary of the Commission, which, in turn, routes the material to the proper office.

While the FCC can and often does change its regulations, it cannot change the law. This is a function of Congress. While the FCC can propose — or oppose — changes in the law, the ultimate decision on legislative matters lies on Capitol Hill.

The names of FCC officials and their telephone numbers, as well as the telephone numbers and addresses of important agencies can be found in Part XIV. Unless barred by ex parte rules (see p. 209), members of the public are encouraged to contact these individuals and express views on any pending matter.

Most decisions of the FCC can be appealed to court. Different courts may have jurisdiction over certain matters, but the primary judicial forum is the U.S. Court of Appeals for the District of Columbia circuit. Like with all judicial proceedings, there are certain strict rules of conduct and pleading, and parties are advised to contact counsel before venturing into any actions involving the judiciary.

The underlying strength of the American system of broadcasting is the freedom of speech guaranteed by the First Amendment. While broadcasting has not yet achieved the full panoply of rights accorded most other media, only through the defense of that freedom can broadcasting continue to grow and serve the American dream.

PART I — APPLICATIONS AND REPORTS

APPLICATIONS

A. CONSTRUCTING A NEW STATION

B. APPLYING FOR RENEWAL OF LICENSE (Form 303-S)

C. THE PROCESSING OF APPLICATIONS

D. TRANSFERRING CONTROL OR ASSIGNING A LICENSE

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CHARACTER

PART I - APPLICATIONS AND REPORTS

APPLICATIONS

The first step in constructing a station, changing its facilities, or selling it to another party, is the filing of an application on the appropriate form. Appendix A contains an extensive collection of the most frequently used application forms. Applications are often required to be accompanied by filing fees. See Appendix B for a listing of the fees.

Users are cautioned, however, that the FCC changes its forms from time to time and filing an application on an obsolete form may result in it being rejected. The Appendix lists the effective dates of each form and readers are advised to make sure that they are using the current form before filing it with the FCC. The Commission's Form Office ((202) 418-3676 or (800) 418-3676) will supply the necessary information.

Once an application is filed, the applicant is under a continuing responsibility to maintain the accuracy and completeness of the information on file. Any material change must be promptly reported, but no later than 30 days after the time the change took place. (FCC Rule 1.65(a)).

A. CONSTRUCTING A NEW STATION

Basic Forms

1. Form 301

The basic application form for constructing or making changes in a station (AM, FM, TV) is FCC Form 301.

Over the years, this form has undergone many changes, both in format and scope. In recent years, the Commission has added several questions, particularly those dealing with financial qualifications, ownership and integration. (See Appendix of Forms for FCC Form 301, April 1996 edition). PREVIOUS EDITIONS OF THIS FORM ARE NOT TO BE USED. The Commission now requires that the applicant "attest that it has sufficient net liquid assets on hand or committed sources of funds to construct the proposed facility and operate for three months without additional funds." It also requires the applicant to identify each source of funds, including the name, address and telephone number of the source; the relationship of the source to the applicant; and the amount of funds to be supplied by each source.

In addition to more detailed corporate information, the application also requires a statement indicating the name of each principal of the applicant who would, in the event of the grant of the application on a comparative basis, participate in the management of the station, whether the participation will be full-time (minimum of 40 hours per week) or part-time (minimum of 20 hours per week) and a description of the proposed position and duties.[1]

Form 301 calls for detailed engineering information and requires the applicant to state whether it intends to claim any preference based on the following:

a) Minority status
b) Past local residence
c) Female status
d) Broadcast experience
e) Daytime preference
f) Civic activities

SPECIAL NOTE REGARDING ANTI-DRUG CERTIFICATION: On December 27, 1991, the Commission released a report and order requiring that all applicants for authority "by whatever name that instrument may be designated" file a certification of compliance with Section 5301 of the Anti-Drug Abuse Act of 1988. 6 FCC Rcd 7551 (1991). That certification is now included in Section VII of the application. Federal, state or local governmental entities or subdivisions are exempt from this requirement. (FCC Rule 1.2002, as amended).

An applicant proposing to employ five or more full-time employees must submit a five-point EEO program on a separate form (FCC Form 396-A) (see Appendix A) and a brief description of the "planned programming." In Office of Communications of the United Church of Christ v. FCC, 911 F.2d 803 (D.C. Cir. 1990), the Court of Appeals upheld the FCC in accepting the following statement of program service:

> (Applicant) intends to offer programming relating to issues of public concern facing the community of _____. These issues will be addressed through a variety of non-entertainment and public affairs programming.

While this is the minimum that the Court will accept, many attorneys recommend that a more detailed statement be submitted, if possible. Although the

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[1]This criterion is now subject to FCC rule making as a result of the court decision in Bechtel v. FCC, 10 F.3rd 875 (D.C. Cir. 1993). See p. 20 infra.

Court's decision dealt with a television application, the rationale and language of the decision would apply to AM and FM applications as well.

Only radio applicants must respond to certain questions stemming from the Commission's multiple ownership rules (See p. 142 infra.). These questions deal with ownership of media in the same market as the proposed station, local marketing agreements (LMAs) in the market and overlapping radio contours.

READERS ARE CAUTIONED TO READ VERY CAREFULLY THE EXTENSIVE INSTRUCTIONS ACCOMPANYING THE FORM. IF ANY PORTION OF THE APPLICATION IS NOT APPLICABLE, AN INDICATION TO THAT EFFECT SHOULD BE MADE. DEFECTIVE OR INCOMPLETE APPLICATIONS WILL BE RETURNED WITHOUT CONSIDERATION.

The filing of an application for a new station requires public notice in a newspaper. See p. 70 for detailed instructions.

2. Form 307

Once a construction permit has been granted, the permittee must proceed with construction. The FCC permits 18 months to complete an AM and FM station, and 24 months to complete a TV station. (FCC Rule 73.3598).

If it becomes necessary to seek an extension of time to complete construction, an application on Form 307 should be filed.

3. Program Tests

Once station construction is completed, pursuant to the terms of the construction permit, program tests may be conducted in accordance with the following. (FCC Rule 73.1620):

a) the permittee of a nondirectional AM or FM station, or a nondirectional or directional TV station, may begin program tests after it notifies the FCC in Washington, DC, provided that within 10 days thereafter an application for a license is filed.

b) the permittee of an AM or FM station with a directional antenna system must file an application for license requesting program test authority with the FCC at least 10 days prior to the date on which it desires to begin the program test. Also, an antenna proof of performance must be filed with the request.

c) unless suspended or revoked, the program test authority remains valid during FCC consideration of the application for license, and during this period

further extension of the construction permit is not required. Program test authority is automatically terminated by final action upon the application for station license.

d) the licensee of a UHF TV station which is not in operation on, but assigned to, the same allocated channel that a 1000 watt UHF translator station is authorized to use, must notify the licensee of the translator station, in writing, at least 10 days prior to commencing or resuming operation. The TV station licensee must also certify to the FCC in Washington, DC, that such advance notice has been given to the translator station licensee.

4. Form 302

When construction has been completed in accordance with the construction permit, the permittee must file an application for license. AM permittees are to use FCC Form 302-AM (August 1995). FM permittees are to use Form 302-FM (February 1995). TV permittees are to use Form 302-TV (March 1996).

AS WITH ALL APPLICATIONS, CARE SHOULD BE TAKEN TO USE THE LATEST AVAILABLE FORM.

In the application for a license to cover a construction permit (FCC Form 302) and on the first anniversary of the commencement of program tests, permittees of stations granted as a result of a postdesignation settlement or other decision in a comparative proceeding must report the following:

a) any deviations from comparative proposals relating to integration of ownership and management and diversification of the media of mass communication contained in their application for a construction permit at the time such application was granted and

b) any deviations from an active/passive ownership structure proposed in their application for a construction permit at the time such application was granted.

However, these reports are not required in any case in which the order granting the application relieved the applicant of the obligation to adhere to such proposals. (FCC Rule 73.1620(g)).

The permittee of a constructed AM, commercial FM or commercial TV station must also file an ownership report (FCC Form 323) or a certification of "no change" at the time of the filing of a license application. (See p. 41 infra.). (FCC Rule 73.3615(b)).

While the above three forms (301, 307 and 302) are the principal forms employed in putting a station on the air, there are a number of other forms involved in the day-to-day operation of a broadcast station. These forms are included in Appendix A. The description of the major forms is indicated either in the text of the volume or in the instructions accompanying the forms.

IMPORTANT NOTE: As part of its proceeding involving digital television (MM Docket 87-268), the Commission announced on July 25, 1996, that it would not accept additional applications for new NTSC stations that are filed after 30 days from the date these proposals are published in the *Federal Register* and that it would not accept additional petitions for rule making proposing to amend the existing TV Table of Allotments to add new stations effective as of the close of business on the date of adoption of this Further Notice. It also stated that after the date of adoption of this Further Notice, it will continue to permit the filing of applications to modify the facilities of existing or authorized NTSC TV stations. However, the grant of any applications to modify the facilities of such stations, including applications on file before the date of the adoption of the Further Notice but granted after that date, will be explicitly conditioned on the outcome of this rule making proceeding. (FCC 96-317).

B. APPLYING FOR RENEWAL OF LICENSE (Form 303-S)

Licenses for broadcast stations are issued for a stated number of years and expire geographically. Thus, for example, all licenses issued for TV stations in Alabama lapse at the same time, regardless of when they were issued.

As a result of the provisions of Section 203 of the 1996 Telecom Act, the Commission has extended the term of broadcast licenses and adopted the following procedures for the length of license of broadcast stations:

1. All stations (AM, FM, TV, FM and TV translators, low power TV stations, international broadcasting stations) will be licensed for eight years. Licenses for experimental stations will continue their present one-year-term.

2. All licenses granted after October 1996 will be for a full eight-year term. All licenses granted before that date will be extended by rule to eight years. This applies to radio stations that filed their renewal applications beginning October 1, 1995.

As a result of Section 204 of the 1996 Telecom Act, the Commission has revised the license renewal process by eliminating the comparative hearing procedures that have long been a part of the license renewal ritual.

With respect to license renewal applications filed after May 1, 1995, the Commission will follow a two-step process. It will first determine, after a hearing, whether to renew the existing station's license. Only after the Commission has decided not to renew the existing license will it entertain applications for the facility that is to be vacated.

Applications filed on or before May 1, 1995, will continue to be subject to existing rules, procedures and standards.

The new legislation does not define the terms used as renewal standards (e.g., "public interest, convenience and necessity," "serious violations" of FCC rules). The Commission has stated that it intends to apply existing policy statements and case law in interpreting the statutory terms that govern the new renewal process. It may in the future further clarify these terms.

The following are the criteria for obtaining the renewal of a broadcast license:

- the station has served the public interest, convenience, and necessity;
- there have been no serious violations by the licensee of this Act or rules and regulations of the Commission; and
- there have been no other violations by the licensee of this Act or the rules and regulations of the Commission that, taken together, would constitute a pattern of abuse. 1996 Telecom Act, Sec. 309(k).

The Commission's newly revised Form 303-S has incorporated the former FM translator, TV translator and Low Power Television renewal application forms. A single renewal application form, thus, now is to be used to seek the "joint renewal" of licenses for co-owned FM translators. The form also will be used by "independent" translator and LPTV stations for renewal of their licenses.

Licensees must submit a separate application for each full-service AM and/or FM station they own, regardless of whether the station is operated as a "combo" or "LMA" with one or more other stations. This is required because each full-service station is renewed separately and may be the subject of a separate petition to deny, or administrative action.

The following charts below show the expiration dates by service, state and the date by which renewal applications must be filed.

Table I: TV LICENSE RENEWALS (See note on page 10)

State	Filing Date	Expiration Date
Alabama	12/02/96	04/01/97
Alaska	10/01/98	02/01/99
Arizona	06/01/98	10/01/98
Arkansas	02/03/97	06/01/97
California	08/03/98	12/01/98
Colorado	12/01/97	04/01/98
Connecticut	12/01/98	04/01/99
Delaware	04/01/99	08/01/99
Florida	10/01/96	02/01/97
Georgia	12/02/96	04/01/97
Hawaii	10/01/98	02/01/99
Idaho	06/01/98	10/01/98
Illinois	08/01/97	12/01/97
Indiana	04/01/97	08/01/97
Iowa	10/01/97	02/01/98
Kansas	02/02/98	06/01/98
Kentucky	04/01/97	08/01/97
Louisiana	02/03/97	06/01/97
Maine	12/01/98	04/01/99
Maryland	06/03/96	10/01/96
Massachusetts	12/01/98	04/01/99
Michigan	06/02/97	10/01/97
Minnesota	12/01/97	04/01/98
Mississippi	02/03/97	06/01/97
Missouri	10/01/97	02/01/98
Montana	12/01/97	04/01/98
Nebraska	02/02/98	06/01/98
Nevada	06/01/98	10/01/98
New Hampshire	12/01/98	04/01/99
New Jersey	02/01/99	06/01/99
New Mexico	06/01/98	10/01/98
New York	02/01/99	06/01/99
North Carolina	08/01/96	12/01/96
North Dakota	12/01/97	04/01/98
Ohio	06/02/97	10/01/97
Oklahoma	02/02/98	06/01/98
Oregon	10/01/98	02/01/99
Pennsylvania	04/01/99	08/01/99
Rhode Island	12/01/98	04/01/99
South Carolina	08/01/96	12/01/96
South Dakota	12/01/97	04/01/98
Tennessee	04/01/97	08/01/97
Texas	04/01/98	08/01/98

State	Filing Date	Expiration Date
Utah	06/01/98	10/01/98
Vermont	12/01/98	04/01/99
Virginia	06/03/96	10/01/96
Washington	10/01/98	02/01/99
West Virginia	06/03/96	10/01/96
Wisconsin	08/01/97	12/01/97
Wyoming	06/01/98	10/01/98
Washington, DC	06/03/96	10/01/96
Virgin Islands	10/01/96	02/01/97
Puerto Rico	10/01/96	02/01/97
Guam	10/01/98	02/01/99
American Somoa	10/01/98	02/01/99
Mariana Islands	10/01/98	02/01/99

IMPORTANT NOTICE: THE APPLICATION FILING AND LICENSE EXPIRATION DATES IN THIS TABLE ARE BASED ON AN INTERPRETATION OF THE COMMISSION'S PROPOSALS CONTAINED IN DOCKET 96-90. THESE DATES HAVE NOT YET BEEN OFFICIALLY PROMULGATED. THE READER IS URGED TO CHECK WITH COUNSEL OR THE FCC (202) 418-2120 BEFORE TAKING ANY ACTION IN RELIANCE ON THESE DATES.

NOTE: THE LICENSE TERM OF SUBSIDIARY OR AUXILIARY STATIONS (E.G., BOOSTERS) IS CONCURRENT WITH MAJOR AUTHORIZATION.

Table II: RADIO LICENSE RENEWALS (See note on page 12)

Date	Filing Date	Expiration Date
Alabama	12/01/03	04/01/03
Alaska	10/01/97	02/01/98
Arizona	06/02/97	10/01/97
Arkansas	02/02/04	06/01/04
California	08/01/97	12/01/97
Colorado	12/02/96	04/01/97
Connecticut	12/01/97	04/01/98
Delaware	04/01/98	08/01/98
Florida	10/01/03	02/01/04
Georgia	12/01/03	04/01/04
Hawaii	10/01/97	02/01/98
Idaho	06/02/97	10/01/97
Illinois	08/01/96	12/01/96
Indiana	04/01/04	08/01/04
Iowa	10/01/96	02/01/97
Kansas	02/03/97	06/01/97
Kentucky	04/01/04	08/01/04
Louisiana	02/02/04	06/01/04
Maine	12/01/97	04/01/98
Maryland	06/02/03	10/01/03
Massachusetts	12/01/97	04/01/98
Michigan	06/03/96	10/01/96
Minnesota	12/02/96	04/01/97
Mississippi	02/02/04	06/01/04
Missouri	10/01/96	02/01/97
Montana	12/02/96	04/01/97
Nebraska	02/03/97	06/01/97
Nevada	06/02/97	10/01/97
New Hampshire	12/01/97	04/01/98
New Jersey	02/02/98	06/01/98
New Mexico	06/02/97	10/01/97
New York	02/02/98	06/01/98
North Carolina	08/01/03	12/01/03
North Dakota	12/02/96	04/01/97
Ohio	06/03/96	10/01/96
Oklahoma	02/03/97	06/01/97
Oregon	10/01/97	02/01/98
Pennsylvania	04/01/98	08/01/98
Rhode Island	12/01/97	04/01/98
South Carolina	08/01/03	12/01/03
South Dakota	12/02/96	04/01/97
Tennessee	04/01/04	08/01/04

Date	Filing Date	Expiration Date
Texas	04/01/97	08/01/97
Utah	06/02/97	10/01/97
Vermont	12/01/97	04/01/98
Virginia	06/02/03	10/01/03
Washington	10/01/97	02/01/98
West Virginia	06/02/03	10/01/03
Wisconsin	08/01/96	12/01/96
Wyoming	06/02/97	10/01/97
Washington, DC	06/02/03	10/01/03
Virgin Islands	10/01/03	02/01/04
Puerto Rico	10/01/03	02/01/04
Guam	10/01/97	02/01/98
American Somoa	10/01/97	02/01/98
Mariana Islands	10/01/97	02/01/98

IMPORTANT NOTICE: THE APPLICATION FILING AND LICENSE EXPIRATION DATES IN THIS TABLE ARE BASED ON AN INTERPRETATION OF THE COMMISSION'S PROPOSALS CONTAINED IN DOCKET 96-90. THESE DATES HAVE NOT YET BEEN OFFICIALLY PROMULGATED. THE READER IS URGED TO CHECK WITH COUNSEL OR THE FCC (202) 418-2120 BEFORE TAKING ANY ACTION IN RELIANCE ON THESE DATES.

NOTE: THE LICENSE TERM OF SUBSIDIARY OR AUXILIARY STATIONS (E.G., BOOSTERS) IS CONCURRENT WITH MAJOR AUTHORIZATION.

WE SUGGEST THAT LICENSEES NOT WAIT UNTIL THE LAST DAY TO FILE THESE APPLICATIONS. A RENEWAL APPLICATION MUST BE ACCOMPANIED BY THE APPROPRIATE FEE.

The current license renewal application form (FCC Form 303-S, June 1995) is a far cry from the voluminous application forms that were required in prior years, and is one of the results of the "deregulation" of the broadcast media.

Detailed Discussion of Questions of Revised Form 303-S

1. Section I

Question 1: Insert the name, mailing address, telephone number and call letters of the applicant. Under "Applicant Name" make sure to give the exact name of the station's licensee as it appears on the license.

Question 2(a): Indicates whether a fee is being submitted with the application. All commercial licensees must check the "Yes" box and make the fee calculations required in Question 2(c). Noncommercial educational stations and stations operated by government entities are exempt from the fee, and should check the "No" box and the appropriate box in Question 2(b).

Question 2(c): Commercial licensees must provide the information relevant to the fee process. The appropriate fee must be entered in the box marked "(c)."

2. Section II

Question 1: This question requires identification of the renewal applicant by the name and address exactly as they appear on the station's current license.

Question 2(a): This question requires the applicant to check the appropriate boxes that signify whether the full-service station is commercial or noncommercial, and whether it is AM, FM or TV. The term "community of license" means the exact community as it appears in the license being renewed.

Question 2(b): Applicant must identify in the appropriate box whether the application is being used to renew the licenses of any co-owned FM translators, and must include information as to the area that the translator station is licensed to serve.

Question 3: Respond only if the applicant wishes to continue authority to operate one or more FM booster station(s) in conjunction with the primary station.

Question 4: This question requires a certification that the station is in compliance with the alien ownership restrictions contained in Section 310 of the Communications Act.

This section provides that the FCC may not grant a license to the following:

- any foreign government or its representative;
- any alien or representative of an alien;
- any corporation organized under the laws of any foreign government;

- any corporation of which more than one-fifth of the capital stock is owned or voted by aliens, by a foreign government or its representative, or by any corporation organized under the laws of a foreign country; or any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative or by any corporation organized under the laws of a foreign country.

These restrictions reflect the deletion of the ban on alien officers and directors pursuant to Section 403(k) of the 1996 Telecom Act.

Any "no" answer requires an explanation giving full details.

A licensee with many stockholders may have to conduct a stockholders' survey in order to answer this question.

Question 5: This question gauges the licensee's character qualifications by requiring disclosure of judicial or administrative findings made against the licensee regarding any FCC or certain non-FCC misconduct.

Licensees should also bear in mind that the Commission requires annual reports of litigation and related developments. (FCC Rule 1.65(c)). A proper response may require periodic surveys. Principals of licensees should be instructed as to reportable matters. The response to this question should reflect the material in the annual reports, plus any additional material and later developments.

If material has been previously reported, it may be simply referenced. See discussion under CHARACTER, p. 56 infra.

Question 6: Licensees are required to assess the environmental impact of the application and the exposure of persons to RF radiation. FM translator applicants transmitting with an effective radiated power of 100 watts or less are not required to fill out this question on the form, insofar as RF radiation is concerned (and are exempt from the FCC's RF exposure guidelines).

An NAB publication, A Broadcaster's Guide to FCC RF Radiation Regulation Compliance, can help stations determine whether they are in compliance with the FCC's radiation guidelines. On August 1, 1996, the FCC adopted changes to its RF radiation exposure guides and policies. At press time, the NAB was revising its RF radiation guide to reflect these changes. The guide will be available through NAB Services, (800) 368-5644, or via the NAB website, www.nab.org.

3. Section III

Question 1(a): Every station with five or more full-time employees must file the Annual Employment Report by May 31 of each year (FCC Form 395-B). A new Annual Employment Report need not be filed with the renewal applications; but the public inspection file must contain a copy of each report filed with the FCC since the last license renewal.

At renewal time, licensees must also submit an original and one copy of FCC Form 396 (Equal Employment Opportunity Report). In situations where the station employs fewer than five full-time employees, or where there are less than 5 percent minorities in the relevant local labor force, the applicant need only complete the first two pages of the FCC Form 396.[2]

Question 1(b): This question concerns the Ownership Report (FCC Form 323 for commercial stations; 323-E for noncommercial stations). Commercial licensees are required to update their Ownership Report annually, on the anniversary of their filing for license renewal. Only licensees that are sole proprietorships or partnerships between natural persons are exempt from filing an Ownership Report. (Noncommercial licensees also must file a new Form 323-E within 30 days after any change in the information required by the form. There is no fee for filing a Form 323-E). Licensees whose cognizable ownership interests have not changed during the previous 12 months and where no other station information addressed on the FCC Form 323 has changed, may simply certify such, in writing, to the FCC that the Form 323 on file is up-to-date, instead of filing a new Report. The $45 fee is required for a new Report or for a "no change" certification.

Question 2: This question requires the applicant to certify that it has maintained a complete and up-to-date public inspection (PI) file. Section 73.3526 (commercial stations) and Section 73.3527 (noncommercial stations) of the Commission's rules list in detail the material that is required to be retained. See Appendix C for instructions regarding the contents of the PI file.

Question 3: The response to this question is crucial to the existence of the station in view of the requirement of Section 403 of the 1996 Telecom Act mandating the termination of the license of a station remaining silent for 12 consecutive months.

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[2]The Commission is currently considering amendments to its EEO regulations, which may affect this procedure. (Docket 96-16).

Question 4: This question deals with compliance with the commercial and programming requirements of the Children's Television Act. See discussion of children's television at p.107 infra.

Question 5: Pursuant to Section 204 of the 1996 Telecom Act, TV stations (both commercial and noncommercial) are required to submit information summarizing written comments and suggestions that the station received concerning violent programs. A supplement to the renewal form may be found in Appendix A.

4. Section IV

Questions 1-5: These pertain to translators and LPTVs. They inquire as to whether the FM translator is on the air and the identity of the station being rebroadcast. The applicant must respond whether the station being rebroadcast is community controlled, and if not, whether rebroadcast consent has been received. The applicant must report any change in the station being rebroadcast and affirm compliance with the rule barring a commercial primary station from having common ownership with an FM translator whose signal coverage extends beyond the protected contour of the primary station.

C. THE PROCESSING OF APPLICATIONS

1. Acceptance of Applications

a) When an application is tendered for filing, it is dated upon receipt and then forwarded to the Mass Media Bureau, where an administrative examination is made to ascertain whether it is complete. Except for certain applications discussed below, if it is found to be complete or substantially complete, it is accepted for filing and given a file number. In the case of minor defects as to completeness, the applicant will be required to supply the missing or correct the information. An application that is not substantially complete will be returned to the applicant. (FCC Rule 73.3564(a)).

An application for a non-reserved FM channel will be placed on public notice if it meets a two-tiered minimum filing requirement (described below) when: (1) filed by the close of the filing "window" in the "window proceedings" or (2) initially filed in "first come/first-served" proceedings. The application must include (1) applicant's name and address; (2) applicant's original signature; (3) principal community; (4) channel or frequency; (5) class of station; (6) transmitter site coordinates; and (7) must not omit more than three of certain technical items listed in an FCC document reported at 7 FCC Rcd 5074 (1992). Applications found not to meet minimum filing requirements will be returned to the applicant. Applications found to meet minimum filing requirements but which

contain deficiencies in tender and/or acceptance information will be given an opportunity for corrective amendment. Applications found to be substantially complete and in accordance with the Commission's core legal and technical requirements will be accepted for filing. Applications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed, with no further opportunity for corrective amendment.

b) Acceptance of an application for filing merely means that it has been the subject of a preliminary review by the FCC's administrative staff as to completeness. Such acceptance will not preclude the subsequent dismissal of the application if it is found to be patently not in accordance with the FCC's Rules.

c) At regular intervals, the FCC will issue Public Notices listing all applications and major amendments thereto that have been accepted for filing. Such notices establish a cut-off date (not less than 30 days from the date of issuance) for the filing of mutually exclusive applications and petitions to deny. However, no application will be accepted for filing unless certification of compliance with the local notice requirements has been made in the tendered application, where such notice is required.

IT IS IMPORTANT TO MAKE ARRANGEMENTS FOR THE GIVING OF PUBLIC NOTICE PRIOR TO THE FILING OF THE APPLICATION (WHERE SUCH NOTICE IS REQUIRED) BECAUSE THE APPLICATION FORM REQUIRES A CERTIFICATION THAT SUCH PUBLIC NOTICE WILL BE GIVEN.

There are also specific detailed regulations concerning the acceptance of applications for low power TV, boosters, translators, etc. These can be found in Section 73.3564(d) of the Commission's rules. For vacant nonreserved band FM allocations, the Commission announces a one-time filing window.

2. The Classification of Applications

a) AM

AM applications are divided into three groups:

- applications for new stations and major changes in authorized stations. (See p. 72 for definition of major changes);

- applications for licenses and all other changes in facilities of authorized stations; and

- applications for expanded band operations.

Applications in the first group are processed, as much as possible, in the order in which they are filed.

There are special procedures for the processing of various other proposals and changes. These are listed in Section 73.3571 of the Rules.

b) FM

FM applications are divided into two groups:

- applications for new stations and for major changes in authorized stations. (See p. 72 for definition of major changes); and

- applications for licenses and all other changes in facilities of authorized stations.

There are detailed and complex procedures for the processing of FM applications. These can be found in Section 73.3573 of the Rules. Because of the complexity of these rules, it is recommended that counsel be consulted prior to the filing of applications or amendments.

NOTE: By a notice of proposed rule making in MM Docket 95-31, the Commission imposed a "partial freeze" on the processing of NCE-FM applications. The FCC will accept and process applications that are not mutually exclusive and will continue "to rule on and approve appropriate universal settlements among mutually exclusive NCE-FM applicants." It will not designate mutually exclusive NCE-FM applications until it has formulated appropriate comparative criteria. 10 FCC Rcd 2877 (1995).

c) TV

TV applications are divided into two groups:

- applications for new stations and major changes in authorized facilities. (See p. 73 for a definition of major changes); and

- all other applications.

Section 73.3572 of the Rules contains detailed procedures for the processing of full and low power TV applications and other minor TV facilities.

IMPORTANT NOTE: AS PART OF ITS PROCEEDING INVOLVING DIGITAL TELEVISION (MM DOCKET 87-268), THE COMMISSION ANNOUNCED ON JULY 25, 1996, THAT IT WOULD NOT ACCEPT:

> ...additional applications for new NTSC stations that are filed after 30 days from the date these proposals are published in the *Federal Register* and that it would not accept additional petitions for rule making proposing to amend the existing TV Table of Allotments to add new stations effective as of the close of business on the date of adoption of this Further Notice. It also stated that after the date of adoption of this Further Notice, it will continue to permit the filing of applications to modify the facilities of existing or authorized NTSC TV stations. However, the grant of any applications to modify the facilities of such stations, including applications on file before the date of the adoption of the Further Notice but granted after that date, will be explicitly conditioned on the outcome of this rule making proceeding. (FCC 96-317).

3. Uncontested Applications

Once an application has been accepted for filing and an examination by the Commission's staff indicates that the application is in order and unopposed, it will be granted, subject to the Commission's workload. Most routine applications are granted on a staff level pursuant to delegated authority. Unusual applications or those involving novel questions of law or interpretation are acted upon by the full Commission.

Applications that present issues that cannot be resolved or that are required by law to be decided at a hearing, will be designated for hearing. The Notice of Designation will contain the issues that are to be explored. Hearings are customarily held before one of the FCC's Administrative Law Judges (ALJ) whose recommended decision is subject to further administrative review.

On important cases, the FCC itself may conduct the public hearing.

4. The Comparative Process

When two or more properly filed applications seek the same frequency or are otherwise "mutually exclusive" (no more than one may be granted), the Commission will designate them for a comparative hearing to determine which, if any, should be granted.

Over the years, the Commission has developed criteria under which these applications are to be evaluated and has stated the relative weight that will be assigned to these criteria.

Applicants facing a comparative hearing are urged to retain counsel, as these hearings involve complex pleading deadlines, preparation of exhibits, presentation of expert testimony, the filing of briefs and other actions that require precise knowledge of FCC procedures. An otherwise meritorious application may not be granted because of the applicant's failure to properly present the case.

Below are some of the major comparative criteria:

a) Diversification of Media of Mass Communications

The Commission generally prefers an applicant with few or no media related interests. It takes into consideration the location and characteristics of those interests and the extent of the applicant's interest in these mass media.

b) Integration of Ownership and Management

Over the years, the Commission has tended to prefer applicants whose owners propose to participate in a meaningful manner in the operation of the station. The Commission has evaluated the proposed duties of individuals, the interest of these individuals in the application as well as the amount of time (full time or part time) that they will devote to the station. These criteria have been subject to extensive court litigation. The court has indicated that the Commission should provide a "reasoned response" for its continued application of this criterion in its present form. Following the Commission's "response," the court reversed the Commission, holding that there was no evidence to support that preference. Bechtel v. FCC, 10 F.3d 875 (D.C. Cir. 1993). The Commission is reexamining this criterion in the rule making proceeding dealing with comparative criteria. (GC Docket 92-52). Counsel should be consulted prior to relying on this criterion.

c) Local Residence

The Commission prefers applicants whose principals reside in the area to be served by the station (but not necessarily in the community of license). The length of residence is considered as well as the duties that these individuals will perform at the station and the amount of their stake in the applicants.

d) Civic Activities

The Commission tends to prefer an applicant whose principals have been active in the civic and community activities of the area to be served. Again, the proposed duties of these individuals and their stake in the applicants are considered. Civic activities and local residence are treated as a single comparative factor designed to show an applicant's knowledge of the community. Ronald Sorenson, 6 FCC Rcd 1952 (1991).

e) Past Broadcast Record

Where an applicant or its principals have compiled a record of operating a station, either in the area or elsewhere, this record will be considered, either as a plus or a minus, depending on the evidence presented at the hearing.

f) Broadcast Experience

The Commission will consider the experience of the principals in operating a station as a factor in awarding a construction permit, but such factor generally has minor significance.

g) Comparative Coverage

The Commission will award a preference to an applicant proposing to serve more people, but such preference is considered in the light of other services already available to the public.

h) Auxiliary Power

An applicant proposing auxiliary power (to keep the station on the air during a power failure) will be favored under this criterion. This factor is seldom invoked because almost all applicants propose auxiliary power as a matter of routine.

i) Ethnicity and Sex of Applicant

The Commission will award a preference under this criterion only to the extent that the minority person actively participates in the day-to-day management of the station. For the purpose of this factor, the following have been determined to be "minority":

(1) African American
(2) Hispanic Surnamed
(3) American Eskimo
(4) Aleut

(5) Native American
(6) Asiatic American

The constitutionality of this preference factor was upheld by the Supreme Court in Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990). However, that decision was to a large degree overruled by Adarand Constructors, Inc. v. Pena, 115 S.Ct. 2097 (1995).

In 1992, the Court of Appeals ruled that the Commission's policy of awarding female preferences in comparative hearings violated the Equal Protection clause of the Fifth Amendment. The court found that there was no evidence that sex preferences established any meaningful link with improved programming. Lamprecht v. FCC, 958 F.2d 382 (D.C. Cir. 1992).

j) Daytimer Preference

The Commission awards enhancement credit in FM proceedings to operators of existing daytime-only AM stations in the subject community in response to the disadvantages which daytimers historically have faced. 101 FCC 2d 638 (1985). The daytimer preference represents the maximum preference for broadcast experience that such an applicant can claim. 8 FCC Rcd 3649 (1993).

The preference, however, is conditioned on certain factors, such as the requirement that the applicant have owned the AM station for three years prior to the hearing on the FM application; that the applicant must propose to be integrated in the operation of the FM station, and that the applicant submit a commitment to dispose of the AM station within three years after the FM station goes on the air.

The discussion of the comparative criteria should be considered with a view of two important factors:

1) the decision in each case involves the weighing of many facts, which may affect the ultimate outcome; and

2) the comparative criteria, last formalized in a 1965 Policy Statement, 1 FCC 2d 393, are now being reexamined in a wide-ranging proceeding. 7 FCC Rcd 2664 (1992).

BY PUBLIC NOTICE OF FEBRUARY 15, 1994, THE COMMISSION STATED THAT IT IS "HOLDING IN ABEYANCE THE PROCESSING OF APPLICATIONS AND THE ADJUDICATION OF HEARING PROCEEDINGS INVOLVING MUTUALLY EXCLUSIVE PROPOSALS FOR NEW BROADCAST FACILITIES." 9 FCC RCD 1055 (1994). ON AUGUST 4, 1994, IT MODIFIED THAT FREEZE TO APPLY ONLY TO APPLICATIONS "THAT

ARE OR BECOME MUTUALLY EXCLUSIVE WITH OTHER APPLICATIONS." THE FREEZE WILL NOT APPLY TO "UNIVERSAL" SETTLEMENTS OF COMPETING APPLICATIONS. WHEN APPLICANTS FILE A SUPPLEMENTAL REQUEST CONTINGENT UPON THE RESOLUTION OF SPECIFIED BASIC QUALIFYING ISSUES, SUCH ISSUES WILL BE ADJUDICATED. 9 FCC RCD 6689 (1994).[3]

There are other factors that the FCC considers in evaluating competing applications, but on an absolute, rather than comparative basis. These factors include legal qualifications, character, financial qualifications, site availability and whether the tower is a hazard to air navigation.

5. Petition to Deny

Applications for new stations that are subject to public notice are also subject to petitions to deny. Generally, the procedure is similar to the procedure followed in license renewal cases. See p. 29, infra. In most cases, however, the petitioner will not be a viewer, listener or an organization, but a party that will suffer electrical interference or other technical harm. Competing applicants may also file petitions to deny, but in most cases, the Commission will treat them as Petitions to Enlarge the Issues to be acted on by the ALJ.

6. Random Selection of Applicants

In a departure from the usual procedure of selecting permittees by comparative hearing, the FCC uses a "lottery" in selecting winners among competitors for LPTV and TV translator permits.

Applicants are awarded preferences based on ethnicity and absence of media-ownership, according to a table set out in Section 1.1622 of the Rules. It is important that any applicant seeking a preference indicate on the application the facts on which this claim for preference is based. Following the random selection, the Commission will announce a "tentative selectee" and invite the filing of Petitions to Deny against that selectee. After examining any pleadings and responses that may be filed, the Commission will decide whether to grant the application or to designate it for hearing. Following the hearing, the Commission will decide

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[3]On September 15, 1995, the Commission waived for a 90-day period provisions of its rules dealing with payments to competing applicants. As a result of that waiver, "applicants in comparative renewal proceedings prior to the Initial Decision stage of the hearing will be limited to out-of-pocket expenses while no such limitations will be placed on applicants for new broadcast facilities." 10 FCC Rcd 12182 (1995).

whether to make a grant. If it determines that it cannot make a grant, it will conduct another random selection from among the remaining mutually exclusive applicants.

Applicants are cautioned that incorrect claims of preference may result in a fine and/or dismissal of the application. 8 FCC Rcd 5190 (1993).

7. Competitive Bidding

During the past several years, various proposals have been advanced involving the granting of broadcast licenses through a process of competitive bidding similar to auctions used in awarding licenses in the Interactive Video and Data Service (IVDS) and Personal Communications Services (PCS). The progress of the proposals for Advanced Television (ATV) has given additional impetus to these proposals.

Congress and the FCC agreed to a congressional compromise that lead to the passage of the 1996 Telecom Act. In the compromise, the congressional leadership and the FCC agreed that it would not issue licenses for advanced television service in 1996 to permit Congress to hold hearings and possibly pass legislation dealing with spectrum auctions. To date, no legislation or rules have been enacted requiring the auctioning of broadcast frequencies.

D. TRANSFERRING CONTROL OR ASSIGNING A LICENSE

Section 310 of the Communications Act forbids the transfer of control of a broadcast station or the assignment of its license without the consent of the FCC. The Act specifically requires the filing of an application seeking that consent and bars the Commission from considering whether a party other than the proposed assignee or transferee would better serve the public interest (the so-called Crosley rule).

While each transaction must be judged on its own facts, a transfer of control takes place where: (1) an individual stockholder gains or loses affirmative or negative (50 percent) control (affirmative control consists of ownership of more than 50 percent of the stock, negative control consists of control of exactly 50 percent of the stock); (2) any family group or any individual in a family groups gains or loses affirmative or negative (50 percent) control; and (3) any group in privity gains or loses affirmative or negative (50 percent) control.

The following are examples of transfers of control or assignments of licenses requiring prior Commission consent:

- A, who owns 51 percent of the licensee's or permittee's stock, sells 1 percent or more thereof. This constitutes a transfer.

- X corporation, wholly owned by A and family, retires outstanding stock that results in family member A's individual holdings being increased to 50 percent or more. This constitutes a transfer.

- A and B, husband and wife, each own 50 percent of the licensee's or permittee's stock. A sells any of his stock to B. This constitutes a transfer.

- X partnership incorporates. This constitutes an assignment.

- Minority stockholders form a voting trust to vote their 50 percent or more combined stockholdings. This constitutes a transfer.

- A, B, C, D and E each own 20 percent of the stock of X corporation. A, B, and C sell their stock to F, G, and H at different times. At such time as 50 percent or more of the stock passes out of the hands of the stockholders who held stock at the time the original authorization for the licensee or permittee corporation was issued, a transfer has taken place.

There are three major forms[4] to be used in seeking the Commission's approval of a transaction, depending on the nature and extent of the proposed change. Form 314 is to be used when the license of a station is to be assigned. Form 315 is to be used when the control of the licensee is to be transferred. Form 316 is to be used for changes that are not substantial enough to constitute a transfer of control or assignment of license, but affect the composition or identity of the licensee. The first two forms are "long forms" requiring much detailed information. Form 316 is a "short form" because the changes do not substantially alter the identities of the persons wielding control. Form 316 may also be used in situations where the change is involuntary, such as when a person dies and the control or license of the station is transferred to an executor or when there is a bankruptcy and the control or license of the station is transferred to a trustee or similar official.

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[4]There is also a Form 345 applicable to FM or TV translators, low power TV stations and auxiliary stations such as translator microwave relay stations, etc. See Appendix A.

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The short form cannot be used when the executor or trustee transfers the station to the ultimate beneficiary. Inasmuch as this transaction is of a lasting character, long form applications must be used depending on the nature of the transaction.

IN CASE OF THE DEATH OR DISABILITY OF A LICENSEE OR OF A PARTY CONTROLLING A STATION, THE COMMISSION MUST BE PROMPTLY NOTIFIED IN WRITING. AN APPLICATION REFLECTING THESE FACTS MUST BE FILED WITHIN 30 DAYS OF THE OCCURRENCE.

There is some confusion regarding the transactions that can be effectuated pursuant to a short form. Here are some examples of situations in which a Form 316 may be used:

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

- assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

- assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;

- corporate reorganization that involves no substantial change in the beneficial ownership of the corporation;

- assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or assignment from a corporation to another corporation owned or controlled by the assignor's or transferor's stockholders without substantial change in their interests; or

- assignment of less than a controlling interest in a partnership.

The filing of a long form application (but not Form 316) requires the giving of public notice. See p. 66 infra. for instructions and details about that procedure. persons filing long form applications are reminded to complete the "market showing" required by the new radio multiple ownership rules. Long form applications are subject to Petitions to Deny.

E. THE HANDLING OF RENEWAL APPLICATIONS

1. Uncontested Applications

As discussed on p. 8, licenses for broadcast stations expire simultaneously by state. In an overwhelming majority of cases, licenses are renewed as a matter of routine. In a substantial number of cases the grant of an application may be delayed because of staff concerns arising from material in its own files or from submissions that it receives in response to the public notice of the filing of the application.

In some cases, the staff merely addresses a letter raising the question, and, upon receiving a satisfactory response, renews the license.

Often the Commission will receive letters from the public expressing concern with the station's operation. Such letters, unless they meet the criteria of a Petition to Deny (see infra.) are treated as informal objections that can be handled by the Commission in an informal manner. The Commission may request the licensee to comment on the allegations. As in all responses to the Commission, it is important that the reply be complete and accurate.

2. Competing Applications - Comparative Renewal

Pursuant to Section 204 of the 1996 Telecom Act, the Commission has eliminated the comparative renewal procedure.

The Commission will accept applications for facilities occupied by an incumbent licensee only after it has denied that licensee's application for renewal of license.

The following are the criteria for obtaining the renewal of a broadcast license:

- the station has served the public interest, convenience, and necessity;
- there have been no serious violations by the licensee of this Act or rules and regulations of the Commission; and
- there have been no other violations by the licensee of this Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse. Section 309(k) of the Communications Act.

Congress has not defined the terms used in the new legislation. Their meaning will gradually evolve as the Commission, in processing applications and petitions to deny, applies existing precedent (which it said it will do) and the courts interpret the legislation.

It is to be noted, however, that the "public interest" factor has been retained in the new legislation and nothing in the 1996 Telecom Act relieves the broadcast licensee of the obligation to determine the needs of its community and to serve those needs.

3. Petitions to Deny

a) Major Facilities

Except in the case of applications for various minor facilities, any party in interest may file with the Commission a Petition to Deny any application for which local notice is required, provided such petitions are filed prior to the day such applications are granted or designated for hearing. Where the FCC issues a public notice establishing a "cut-off" date, such petitions must be filed by the date specified in that notice. In the case of applications for transfers and assignments of construction permits or station licenses, Petitions to Deny must be filed not later than 30 days after issuance of a public notice of the acceptance for filing of the applications. In the case of applications for renewal of license, Petitions to Deny may be filed no later than the end of the first day of the last full calendar month of the existing license term. If the license renewal application is not timely filed, the deadline for Petitions to Deny is the 90th day after the Commission has announced that it has accepted the application. Requests for extension of time to file Petitions to Deny will not be granted unless all parties concerned, including the applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

The applicant may file an opposition to any Petition to Deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof must be supported by affidavit. The times for filing such oppositions and replies are governed by the regular FCC time schedule, except those that pertain to a Petition to Deny an application for renewal of license. An opposition thereto may be filed within 30 days after the Petition to Deny is filed, and the party that filed the Petition to Deny may reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever is longer. The failure to file an opposition or reply will not necessarily be construed as an admission of fact or argument contained in a pleading.

b) Minor Facilities

In the case of applications for new low power TV, TV translator or TV booster stations for major changes in the existing facilities of such stations; or for applications for a change in output channel tendered by displaced low power TV and TV translator stations, any party in interest may file with the FCC a Petition to Deny any application for which local notice is required. Such petitions must be filed within 30 days of the FCC public notice proposing the application for grant. Applicants may file oppositions within 15 days after the Petition to Deny is filed. Where the Commission announces a tentative selectee following a random selection, Petitions to Deny that selectee may be filed within 15 days of the public notice announcing the selection. The applicant/selectee may file an opposition within 15 days after the Petition to Deny is filed.

In cases of random selection where a diversity preference has been granted, an "objection to diversity claim" may be filed, subject to the same requirements as are applicable to Petitions to Deny. (FCC Rule 73.3584(c)).[5]

F. THE HANDLING OF PETITIONS TO DENY

In order to be considered as a formal Petition to Deny, the document must have certain characteristics. Some of these are as follows:

1. it must be timely filed;

2. it must be submitted by a "party in interest" (a person with "standing"); and

3. it must contain allegations of fact that are either verified by a person with knowledge of these facts or of which the Commission may take official notice.

The timeliness of a Petition to Deny is governed by the date on which the application (other than renewal) has been "accepted" by the Commission on a public notice. Petitions to Deny a renewal application must be filed no later than the first day of the last full month of the license (for example, if the license expires on December 31, the Petition to Deny must be filed no later than December 1). A copy of the petition must be served on the applicant(s).

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[5]See p. 23 infra. for the grant procedure for LPTV applications.

In order to be considered as a formal Petition to Deny, the document must contain statements of fact verified by a person with knowledge of these facts, or be based on facts that the Commission can judicially notice. For instance, a petition alleging EEO violations may be based on a station's EEO report. Mere conjectures or surmises do not, in themselves, serve as a basis for a Petition to Deny. Although the Communications Act requires an "affidavit," a "declaration under penalty of perjury" meets that requirement. 8 FCC Rcd 7559 (1993).

The Petition to Deny must be filed by a person or persons with "standing." Within the Petition to Deny a license renewal context a "regular listener to the station" has standing to challenge the renewal of that station. Entities that will suffer electrical interference have standing to challenge an application for a construction permit.

Following the receipt of a Petition to Deny, the Commission performs a two-step procedure. It conducts a threshold inquiry on the basis of the petitioner's allegations alone. If the Commission determines that the Petition to Deny has alleged a prima facie inconsistency with the public interest, the Commission determines whether, "on the basis of the application, the pleadings filed, or other matters which it may officially notice . . . a substantial and material question of fact is presented." Thus, in the second step, the Commission considers the applicant's response to the petition and weighs the matters presented by these pleadings.[6] Should the Commission conclude that such a question of fact has been raised, or if it cannot, for any reason, find that grant of the application would be consistent with the public interest, it will designate the application for hearing.

No hearing is required if the weighing indicates that there are no substantial and material questions of fact presented. Astroline Communications Company Ltd. Partnership v. FCC, 857 F.2d 1556 (D.C. Cir. 1988).

After considering the conflicting pleadings, the Commission will issue a decision disposing of the Petition to Deny. It may deny the petition and grant the application, either conditionally or unconditionally. It may impose a forfeiture in addition to any action taken, or it may designate the application for a hearing on stated issues.

When a pleading lacks the formal requirements of a Petition to Deny, the Commission will consider it as an "informal objection" and will take into account any deficiencies that may be alleged.

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[6]All allegations of fact, in the petition and in subsequent responsible pleadings must be verified.

G. SETTLEMENTS

The Commission encourages the settlement of conflicts both among competing applicants and between a license renewal applicant and the petitioner to deny. On the other hand, it is concerned that these settlements may lead to abuse. It has, therefore, imposed certain restrictions on the amount and timing of payments that can be made.

1. Settlements among Applicants for Construction Permits

The Commission has limited the dollar amount of payment that can be made to settle competing applications for construction permits for new broadcast stations, or modifications to facilities of existing stations, to the legitimate and prudent out-of-pocket expenses. Parties seeking approval of a settlement must submit: (1) certifications that they have not received, and will not receive, any money or other considerations in excess of their legitimate and prudent expenses; (2) the exact nature and amount of any consideration paid or promised; (3) an itemized accounting of the expenses for which they seek reimbursement; and (4) the terms of any oral agreement relating to the dismissal or amendment of the application. They must also certify that the applications were not filed for the purpose of reaching such a settlement.

These limitations do not apply to bona fide mergers of interest, but the FCC will scrutinize these mergers to prevent abuse. 6 FCC Rcd 2901 (1991).

On September 15, 1995, the Commission waived for a 90-day period provisions of its rules dealing with payments to competing applicants. As a result of that waiver, "applicants in comparative renewal proceedings prior to the Initial Decision stage of the hearing will be limited to out-of-pocket expenses while no such limitations will be placed on applicants for new broadcast facilities." 10 FCC Rcd 12182 (1995).

The Commission has modified the so-called Ruarch policy under which settlements can extinguish the continuing validity of integration and divestiture commitments made during the comparative hearing process. The Commission will now permit successful applicants in a "global" settlement (all applicants) to withdraw divestiture and integration proposals where the settlement is entered into by the exchange of exhibits deadline. 6 FCC Rcd 3403 (1991).

2. Petitions to Deny New Applications and Transfers

Where a party seeks to dismiss a Petition to Deny or an informal objection which it has filed against an application for a new station or for the transfer,

assignment or modification of an existing facility, each party to the petition must submit a copy of any written agreement relating to the dismissal and an affidavit: (1) certifying that it has not received or paid, and will not receive or pay, any money in exchange for the dismissal of the petition or objection in excess of legitimate and prudent expenses incurred by the petitioner seeking dismissal; (2) disclosing the exact nature and amount of any money or other consideration paid or promised in connection with the dismissal of the petition or objection; (3) disclosing the terms of any oral agreement related to the dismissal of the petition or objection; and (4) indicating an itemized accounting of its expenses incurred in preparing, filing and prosecuting its petition for which reimbursement is sought.[7] Other parties to an agreement must submit similar certification within five days thereof. (FCC Rule 73.3588).

3. Allotment Proceedings

In proceedings involving changes in the FM or TV Table of Allotments, the Commission will limit the amount and type of consideration that may be paid for the withdrawal of an expression of interest to legitimate and prudent expenses incurred in preparing and filing the expression of interest. Currently, parties filing for changes in the Table of Allotments are required to include an expression of interest in applying for, constructing, and operating the proposed facility if the allotment is made. These expressions have the status of representations to the Commission, as do any assertions contained in pleadings filed with the Commission. Thus, a statement of interest in operating a station made by a party who, in fact, lacks the requisite intent to construct and operate the proposed facility will be considered a material misrepresentation. A party that seeks to withdraw an intention to construct must file a statement listing expenses, a certification that reimbursement will not exceed these expenses, if any. Remaining parties to any agreement must also file responsive certification. 5 FCC Rcd 3911 (1990); (FCC Rules 1.420(j) and 73.1015).

4. Renewal Applications

As a result of allegations that the renewal system was being used to obtain payments or benefits from the renewal applicant, the Commission concluded "that there is the clear potential for abuse of our license renewal process." The Commission therefore imposed limitations on payments to competing applicants and petitioners to deny.

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[7]Payments in exchange for withdrawing a threat to file a Petition to Deny or informal objection are limited to legitimate and prudent expenses. Unless specifically approved by the Commission, no would-be objector or related party may have any remunerated employment related to ascertainment, programming, etc. A copy of the agreement must be filed with the Commission. (FCC Rule 73.3589).

The limitations on payments are as follows:

a) to competing applicants — a prohibition on all payments to competing applicants (other than the incumbent licensee) for the withdrawal of an application prior to the Initial Decision stage of a comparative hearing. Thereafter, the Commission will approve settlements that do not exceed the withdrawing party's legitimate and prudent expenses for filing and litigating the competing application. (FCC Rule 73.3523).

In addition, the Commission has revoked its so-called Cameron Policy, which presumed that the competing applicant will have the use of the incumbent's transmitter site in the event that the renewal is denied. The Commission concluded that retention of that policy "makes it more economically attractive for bogus challengers to file merely to elicit a settlement." 4 FCC Rcd 4780 (1989).

IN VIEW OF THE REMOVAL OF THE COMPARATIVE RENEWAL PROCEDURE PURSUANT TO THE 1996 TELECOM ACT, SECTION 204, THIS PROCEDURE APPLIES ONLY TO RENEWAL APPLICATIONS FILED ON OR BEFORE MAY 1, 1995.

b) to petitioners to deny — the Commission will allow monetary payments to a petitioner "provided they do not exceed the petitioner's legitimate and prudent expenses in prosecuting its petition." (FCC Rule 73.3588).

5. Citizens' Agreements

A citizens' agreement is a contract in which a party agrees to dismiss its Petition to Deny or informal objection or to refrain from doing so in exchange for a promise by the operator or applicant to implement a nonfinancial reform such as a programming or an employment initiative.

In light of the potential for abuse, the Commission will review all citizens' agreements on a case-by-case basis to determine whether the agreement furthers the public interest. In making this determination, the Commission will presume that any agreement with a petitioner that calls for the petitioner, or any person or organization related to the petitioner, to carry out, for a fee, any programming, employment or other "nonfinancial" initiative does not further the public interest and hence will likely be disapproved. In contrast, an agreement with a petitioner to make changes in operations or programming, either by itself or through disinterested third parties without further participation by the petitioner, will likely be approved. For example, the FCC will regard an agreement to increase minority employment by using, for a fee, the services of petitioner or any person or organization related to petitioner, as presumptively contrary to the public interest, and it will likely be disapproved. In contrast, the Commission will regard an agreement to increase the

pool of minority applicants for employment by contracting with a third party, completely independent from petitioner, as consistent with the public interest, and it will likely be approved.

The general presumption that citizens' agreements in which the petitioner is paid to perform the promised reform are contrary to the public interest can be rebutted by clear and convincing evidence that the arrangement is, in fact, consistent with the public interest.

These agreements generally are private contractual matters between a licensee and a citizens' group. The Commission will review them to determine whether they improperly delegate nondelegable licensee responsibilities, improperly impinge on a licensee's nondelegable discretion, or otherwise violate any applicable Rules. However, unless an action taken by the Commission is specifically conditioned on licensee representations relating to programming matters, the FCC will not enforce private contractual agreements relating to programming.

A private settlement does not necessarily dispose of issues that have been raised in a Petition to Deny. If a petition contains specific allegations of fact sufficient to raise a substantial and material question of fact as to whether the applicant is qualified, the Commission will address such a question regardless of any agreement among the parties.

The provisions regarding citizens' agreements apply not only to the renewal process, but also to applications for new facilities and for the transfer of control or assignments of licenses. 5 FCC Rcd 3911 (1990).

A copy of a citizens' agreement must be filed with the Commission together with a certification that the payments (if any) do not exceed the legitimate and prudent costs of the petitioners. (FCC Rule 73.3588); 4 FCC Rcd 4780 (1989); 5 FCC Rcd 3911 (1990).

H. FILING FEE REQUIREMENTS

An application filed with the Commission is required to be accompanied by the appropriate filing fee. (See Appendix B for a listing of filing fees).

It is very important that the proper application fee be submitted and that it be filed at the location specified by the rules.

1. Form of Payment

Fee payments should be in the form of a check, bank draft or money order payable to the FCC or by a Visa or MasterCard credit card. No other credit card is acceptable. Fees for applications and other filings paid by credit card will not be accepted unless the credit card section of FCC Form 159 is completed in full. The Commission discourages applicants from submitting cash and will not be responsible for cash sent through the mail. Personal or corporate checks dated more than six months prior to their submission to the Commission's lockbox bank and postdated checks will not be accepted and will be returned as deficient. Third party checks (i.e., checks with a third party as maker or endorser) will not be accepted.

Applicants must submit a written request to the Commission for authorization to make electronic payments of a fee for applications and other filings, as follows:

- No electronic payment of an application fee will be accepted unless the payor has obtained written authorization from the Commission to submit application fees electronically. It is the responsibility of the payor to ensure that any electronic payment is made in the manner required by the Commission. Failure to comply with the Commission's procedures will result in the return of the application or other filing and the fee payment.

- Payments by wire transfer will be accepted. Prior to making a payment by wire, the payor shall obtain the approval of the Managing Director. A completed FCC Form 159 must be submitted to the Managing Director prior to initiating the wire transfer.

Applicants are required to submit one payment instrument (check, bank draft or money order) and FCC Form 159 with each application or filing. Multiple payment instruments for a single application or filing are not permitted. A separate Fee Form (FCC Form 159) will not be required once the information requirements of that form (the Fee Code, fee amount, and total fee remitted) are incorporated into the underlying application form.

The Commission may accept multiple money orders in payment of a fee for a single application where the fee exceeds the maximum amount for a money order established by the issuing agency and the use of multiple money orders is the only practical method available for fee payment.

The Commission may require payment of fees with a cashier's check when a filer has made payment with an instrument on which the Commission could not collect.

Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in an increase of the original fee amount. Those applications not requiring an additional fee should be resubmitted directly to the bureau or office requesting the additional information. The original fee will be forfeited if the additional information or corrections are not resubmitted to the appropriate bureau or office by the prescribed deadline. If an additional fee is required, the original fee will be returned and the application must be resubmitted with a new remittance in the amount of the required fee to the Commission's lockbox bank. Applicants should attach a copy of the Commission's request for additional or corrected information to their resubmission.

The Commission will furnish a stamped receipt of an application only upon request. In order to obtain a stamped receipt for an application, the application package must include a copy of the first page of the application, clearly marked "copy," submitted expressly for the purpose of serving as a receipt of the filing. The copy should be the top document in the package. The copy will be date-stamped immediately and provided to the bearer of the submission, if hand-delivered. For submissions by mail, the receipt copy will be provided through return mail if the filer has attached to the receipt copy a stamped, self-addressed envelope of sufficient size to contain the date-stamped copy of the application.

2. Filing Locations

The locations for fee payments for each form are listed in Appendix B. While applicants are encouraged to check the Appendix prior to filing, the following are the addresses for the most commonly used forms:

Commercial Radio

Forms	AM	FM
301, 302, 303-S	Federal Communications Commission Mass Media Services P.O. Box 358190 Pittsburgh, PA 15251-5190	Federal Communications Commission Mass Media Services P.O. Box 358195 Pittsburgh, PA 15251-5195
314, 315, 316	Federal Communications Commission Mass Media Services P.O. Box 358350 Pittsburgh, PA 15251-5350	Federal Communications Commission Mass Media Services P.O. Box 358350 Pittsburgh, PA 15251-5350

Forms

301 } Federal Communications Commission
302 } Mass Media Services
303-S } P.O. Box 358165
} Pittsburgh, PA 15251-5165

314 } Federal Communications Commission
315 } Mass Media Services
316 } P.O. Box 358350
} Pittsburgh, PA 15251-5350

3. Conditionality of Grant

Any FCC grant will be conditioned upon final payment of the applicable fee. If final payment is not made prior to a grant, the application or filing will: (1) be dismissed and returned to the applicant; (2) lose its place in the processing line; and (3) not be accorded retroactive treatment if resubmitted after the relevant filing deadline.

If, subsequent to a grant, the Commission is notified that final payment has not been made, the Commission will (1) automatically rescind that grant; (2) notify the grantee of this action; and (3) not permit retroactive treatment for the resubmission of the application or filing if the relevant deadline has expired.

Upon receipt of a FCC notification rescinding the authorization, the grantee must immediately cease any operations initiated pursuant to the grant.

4. Return or Refund of Charges

a) The full amount of any fee submitted will be returned:

1) when no fee is required;

2) when the FCC determines within 30 calendar days of receipt of filing that an insufficient fee has been submitted and the filing is dismissed;

3) when the application is filed by an applicant who cannot fulfill a prescribed age requirement;

4) when the Commission adopts new rules that nullify applications already accepted for filing, or a new law or treaty would render useless a grant or other positive disposition of the application;

5) when a waiver is granted; or

6) when an application for new or modified facilities is not timely filed in accordance with the filing window as established by the Commission in a public notice specifying the earliest and latest dates for filing such applications.

NOTE: Payments in excess of an application fee will be refunded only if the overpayment is eight dollars ($8) or more.

b) Applicants designated for comparative hearings will be entitled to a grant without payment of the hearing fee or a refund of the hearing fee paid in the following circumstances:

1) when the application is granted without being designated for hearing;

2) when the application is dismissed, voluntarily or involuntarily, prior to designation for hearing;

3) when only one applicant files a Notice of Appearance and pays the hearing fee, that single remaining applicant will be entitled to a refund of the hearing fee upon request if it is immediately grantable or if all issues specified in the designation order and requiring resolution can be deleted; and

4) when a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provides for the dismissal of all but one of the applicants, and the single remaining applicant is immediately grantable, no hearing fee is due. However, if the application cannot be granted without resolution of issues specified in the designation order, the applicant must pay the hearing fee. That payment will be refunded upon request if all outstanding issues can be deleted.

However, hearing fees paid pursuant to the last two provisions above will be retained by the Commission in any case requiring a decision on the merits of an applicant's postdesignation amendment or evidentiary showing, whether by Summary Decision or otherwise.

c) Applicants for first-come, first-served construction permits will be entitled to a refund of the fee, if within 15 days of the issuance of a public notice indicating that there is a previously filed pending application for the same vacant channel, such applicant: (1) notifies the FCC that it no longer wishes the application to remain on file behind the first applicant and any other applicants filed before his or her application; and (2) specifically requests a refund of the fee paid and dismissal of his or her application. The full text of the "Fee" decision may be found at 6 FCC Rcd 5919 (1991).

5. General Exemptions from Charges

No fee is required for the following:

a) Applications filed for the sole purpose of modifying an existing authorization (or a pending application) in order to comply with new or additional requirements of the Commission's rules or the rules of another federal agency. (However, if the applicant also requests an additional modification, renewal, or other action, the appropriate fee for such additional request must accompany the application. Cases in which a fee will be paid include applications by FM and TV licensees or permittees seeking to upgrade a channel after a rule making.)

b) Applicants in the Special Emergency Radio and Public Safety Radio Services that are governmental entities or nonprofit entities. Applicants claiming nonprofit status must include a current Internal Revenue Service Determination Letter documenting this nonprofit status.

c) Applicants, permittees or licensees of noncommercial educational broadcast stations in the FM or TV services, as well as AM applicants, permittees or licensees who certify that the station will operate or does operate noncommercially.

d) Noncommercial entities requesting Commission authorization in any other mass media service, private radio service or common carrier service otherwise requiring a fee, if that service is used in conjunction with the noncommercial educational broadcast station.

e) Other applicants, permittees or licensees providing, or proposing to provide, a noncommercial educational or instructional service under certain specified circumstances.

f) Government entities (state, city, county, etc.).

6. Adjustments to Charges

The Schedule of Charges listed in Appendix B will be adjusted by the Commission in 1997, and every two years thereafter, to reflect the percentage change in the Consumer Price Index.

7. Hot Line

The Commission maintains a Hot Line for fee inquiries. The number is (202) 418-0220.

8. Special Note Concerning Annual Ownership Report Fees

Because it has received numerous inquiries regarding the fee status of various aspects of "annual" Ownership Reports (as opposed to those filed in conjunction with initial licensing or license assignments and transfers), the Commission, on June 6, 1990, released a public notice clarifying these matters.

a) The "annual" Ownership Report for a single AM, FM or TV broadcast station would consist of one or more Forms 323 (depending on the number of entities that have an interest in the licensee) and a check covering the currently required annual Ownership Report fee of $45.

b) Licensees owning multiple stations with different renewal anniversary filing dates can submit an annual Ownership Report for all of their stations on the anniversary date of their choice, but not later than one year after the last submission.

c) The annual Ownership Report is filed on an individual station basis and the $45 report fee is calculated thereon. It is the number of annual Ownership Reports or stations for which a report is filed that determines the total fee due, not the number of FCC Forms 323 filed in connection therewith.

d) The annual Ownership Report that may be required at the same time that the licensee is filing its renewal application should not be included with that renewal. Different filing requirements and fees apply to these submissions.

e) The annual Ownership Report must be mailed or delivered in a separate envelope to the Mellon Bank in Pittsburgh.[8]

f) A letter submission certifying "no change" constitutes a station's "annual Ownership Report" for that year and is governed by the same fee and filing requirements as an "Ownership Report."

g) A fee is charged only for the licensee's submission of an annual Ownership Report. There are no fees for the filing of an Ownership Report (FCC Form 323) that is required after grant of an original construction permit, when a permittee applies for an initial license, or after the consummation, pursuant to Commission consent, of a

[8]The mailing address is FCC, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251-5180.

transfer of control or license assignment. These Ownership Reports should be delivered or mailed to the Secretary, Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

NOTE: IN ADDITION TO FILING FEES, THE COMMISSION ALSO COLLECTS REGULATORY FEES. SEE PART IV FOR A DETAILED DISCUSSION OF THIS PROCEDURE.

REPORTS

A. OWNERSHIP REPORT

Annual Report - Commercial Stations

Except for sole proprietorships and partnerships composed entirely of natural persons, each licensee of a commercial AM, FM or TV station is required to file an Ownership Report on FCC Form 323 once a year, on the anniversary of the date that its renewal application is required to be filed. Licensees owning multiple stations with different anniversary dates need file only one report per year on the anniversary of their choice, provided that their reports are not more than one year apart. A licensee with a current and unamended report on file at the Commission may certify that it has reviewed its current report and that it is accurate, in lieu of filing a new report.

Ownership Reports must provide the following information as of a date not more than 60 days prior to the filing of the report:

1. In the case of an individual, the name of such individual.

2. In the case of a partnership, the name of each partner and the interest of each partner. The names of limited partners must be reported, except that a limited partner need not be reported, regardless of the extent of its ownership, if the limited partner is not materially involved, directly or indirectly, in the management or operation of the licensee and the licensee so certifies.

3. In the case of a corporation, association, trust, estate, or receivership, the data applicable to each:

The name, residence, citizenship, and stockholding of every officer, director, trustee, executor, administrator, receiver and member of an

association, and any stockholder holding stock amounting to five percent or more of the votes of the corporation. An investment company, insurance company or bank trust department needs to be reported only if it holds stock amounting to ten percent or more of the votes, provided that the licensee certifies that such entity has made no attempt to influence, directly or indirectly, the management or operation of the licensee, and that there is no representation on the licensee's board or among its officers by any persons professionally or otherwise associated with that entity.

4. A licensee must report any separate interests known to the licensee to be held ultimately by the same individual or entity, whether those interests are held in custodial accounts, by individual holding corporations or otherwise, if, when aggregated:

a) all interests except those held by or through "passive investors" are equal to or exceeds five percent; or

b) all interests held by or through "passive investors" are equal to or exceeds ten percent; or

c) the interests computed under (a) plus the sum of the interests computed under (b) are equal to or exceeds ten percent.

IF MORE THAN 50 PERCENT OF THE VOTING STOCK OF A CORPORATE LICENSEE IS HELD BY A SINGLE INDIVIDUAL OR ENTITY AND A SIMPLE MAJORITY IS ALL THAT IS REQUIRED TO EXERCISE CORPORATE CONTROL, NO OTHER STOCKHOLDING NEED BE REPORTED FOR THAT LICENSEE.

5. Full information as to family relationship[9] or business association between two or more officials and/or stockholders, trustees, executors, administrators, receivers, and members of any association.

6. Capitalization with a description of the classes and voting power of stock authorized by the corporate charter or other appropriate legal instrument and the number of shares of each class issued and outstanding.

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[9]The Commission has removed its Spousal Attribution policy, which automatically attributed one spouse's interests to the other spouse. Henceforth, the Commission will determine on a case-by-case basis whether such attribution is warranted. 7 FCC Rcd 1920 (1992).

7. Full information with respect to the interest and identity of any person having any direct, indirect, fiduciary, or beneficial interest in the licensee or in its stock accounting for five percent or more of its votes. For each person or entity reported, the Ownership Report requires information regarding any attributable interest in any broadcast station as well as a five percent or greater interest (whether or not attributable) or corporate position in broadcast or cable or newspaper entities serving the same market or with overlapping signals in the same broadcast service.

8. All licensees (including sole proprietorships and natural partnerships) must file:

a) a list of all contracts still in effect required to be filed with the FCC (see infra.) showing the date of execution and expiration of each contract; and

b) any interest that the licensee may have in any other broadcast station.

If the stock is held in trust, if the trustee has the sole power to vote the stock or shared power to dispose of the assets of the trust, and if the trustee is an independent person with no familial or business relationship with the beneficiary or grantor, then only the trustee shall be reported as "owner" of the stock. If the grantor or beneficiary shares the power to vote, has the sole power to dispose of the stock, or has the power to replace the trustee at will, that party shall also be listed as an "owner" of the stock.

The FCC has instituted a "multiplier" to take into account the dilution of interests held through corporate ownership chains. For example, if an individual owns only eight percent of a corporation, which in turn, owns 20 percent of a licensee, the individual's interest in the licensee is 1.6 percent and need not be reported. On the other hand, if a corporation owns 50 percent or more of a licensee, the individual's interest would not be diluted through multiplication by the corporation's interest and the individual's interest must be reported.

Licensees or permittees are required to submit separate ownership reports for any "holding companies" or other entities holding a five percent or greater voting interest in the entity. That separate Ownership Report must contain the same information as required of a licensee or permittee. If that entity has a voting stock interest in the licensee or permittee, only those voting interests of that entity that are cognizable after application of the "multiplier" are to be reported. If the entity is a corporation, whether or not its interest in the licensee is by virtue of its ownership of voting stock, with certain exceptions, the officers and directors of the entity must also be reported. The separate report must also contain information concerning other broadcast, cable and newspaper interests of all the parties so reported in the

form as described above. The filing of intercorporate charts showing the relationship between related corporations is also required, where appropriate.

Additional Ownership Reports

An operator of a commercial broadcast station must file an Ownership Report:

1) within 30 days of the grant of the construction permit;

2) on the date it applies for a license; and

3) upon consummation of an assignment of license or transfer or control.

An operator with a current and unamended report on file with the Commission may certify that it has reviewed its current report and it is accurate in lieu of filing a new report. A fee and Form 159 should accompany such certification.

Ownership Report - Noncommercial Stations

Each licensee of a noncommercial educational station must file an Ownership Report on FCC Form 323-E at the time the application for renewal of station license is required to be filed. Licensees owning more than one noncommercial educational AM, FM or TV broadcast station need file only one Ownership Report at five-year intervals for TV stations and seven-year intervals for AM and FM stations. Ownership Reports shall give the following information as of a date and not more than 30 days prior to the filing of the Ownership Report:

1. as to all officers, members of governing board, and holders of one percent or more ownership interest (if any): name, residence, office held, citizenship, principal profession or occupation, and by whom appointed or elected;

2. full information with respect to the interest and identity of any individual, organization, corporation, association, or any other entity that has direct or indirect control over the licensee or permittee;

3. a list of all contracts still in effect required to be filed with the FCC (see p. 46 infra.), showing the date of execution and expiration of each contract; and

4. any interest that the licensee or permittee or any of its officers, members of the governing board, and holders of one percent or more ownership interest (if any) held in any other broadcast station.

Each permittee of a noncommercial educational AM, FM or TV station must file an Ownership Report on FCC Form 323-E within 30 days of the date of grant by the FCC of an application for original construction permit.

A supplemental Ownership Report on FCC Form 323-E must be filed by each licensee or permittee within 30 days after any change occurs in the information from that previously reported. Such report should include, without limitation:

a) any change in organization;

b) any change in officers or directors; and

c) any transaction affecting the ownership (direct or indirect) or voting rights with respect to the licensee or permittee (or with respect to any stock interests therein).

B. VIOLATIONS OF LAW REPORT

On the date of filing of the annual ownership report, each permittee and licensee, whether or not exempted from the filing of the annual Ownership Report, must report to the FCC any final adjudications by courts or agencies in non-FCC proceedings (irrespective of whether appeals may be pending) involving the following:

1) felonies;

2) mass media-related violations of antitrust and other laws dealing with unfair competition;

3) fraudulent misrepresentations to government units; and/or

4) employment discrimination.

The report is to cover the reporting party and its principals, e.g., its officers, directors, attributable owners and, under specified circumstances, parent and affiliated companies.

Individual principals are only required to report misconduct by themselves or companies with which they may be associated as principals. With regard to other businesses in which they are involved, the reports are due in those cases where:

1) the individual was in control of the entity that engaged in misconduct; or

2) the individual was adjudicated to have been directly involved in the misconduct.

Reports for parent companies and subsidiaries involving the listed forms of misconduct must be submitted where:

1) the licensee and the other entity involved have common principals;

2) such entities have a close, on-going relationship with the licensee; and

3) the common principals have been actively involved in the operation of the broadcast licensee.

Parties responsible for submitting these reports should conduct a canvass of the individuals and companies subject to those reporting requirements sufficiently in advance of the filing date of the report to permit an analysis of the information and its proper verification and assemblage.

This Violations of Law Report should be filed with the Secretary of the Commission, 1919 M Street, NW, Washington, DC 20554.

IF ANY OF THE REPORTABLE ADJUDICATIONS OCCUR WHILE AN APPLICATION IS PENDING, THEY MUST BE REPORTED WITHIN THIRTY DAYS. (FCC Rule 1.65(c)); 7 FCC Rcd 6564 (1992).

C. FILING OF CONTRACTS

Each licensee or permittee of an AM, FM or TV station (commercial or noncommercial) must file with the FCC[10] copies of the following documents together with any changes (with the substance of oral contracts reported in writing), within 30 days of execution thereof:

[10]Secretary, FCC, 1919 M Street, NW, Washington, DC 20554.

1) Network contracts: Network affiliation contracts between television stations (including low power TV) and national networks. The term "network" means any person, entity or corporation that offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in ten or more states and/or any person, entity or corporation controlling, controlled by, or under common control with such person, entity or corporation. Radio network contracts need not be filed.

The initial filing must consist of a written instrument containing all of the terms and conditions of such contract, agreement or understanding without reference to any other paper document, by incorporation, reference or otherwise. Subsequent filings may simply set forth renewal, amendment or change, as the case may be, of a particular contract previously filed.

The FCC must be notified of the cancellation or termination of network affiliations and contracts.

2) Ownership or control: Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights or interest therein, or relating to changes in such ownership or control, including, but not limited to, the following:

a) articles of partnership, association, and incorporation, and changes in such instruments;

b) bylaws, and any instruments effecting changes in such bylaws;

c) any agreement, document or instrument providing for the assignment of a license or permit, or affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or nonvoting), such as:

1) agreements for transfer of stock;

2) instruments for the issuance of the stock; or

3) agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed. However, trust agreements or abstracts thereof are not required to be filed, unless requested specifically by the FCC. Should the FCC request an abstract of the trust agreement in lieu of the trust agreement, the licensee or permittee must submit the following information concerning the trust:

Name of trust; duration of trust; number of shares of stock owned; name of beneficial owner of stock; name of record owner of stock; name of the party or parties who have the power to vote or control the vote of the shares; and any conditions on the powers of voting the stock or any unusual characteristics of the trust.

d) proxies with respect to the licensee's or permittee's stock running for a period in excess of one year, and all proxies, whether running for a period of one year, given without full and detailed instructions binding the nominee to act in a specified manner. When the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have one percent or more of the corporation's voting stock. When the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are not officers or directors or do not hold one percent or more of the corporation's stock, the only information required to be filed is the name of any person voting one percent or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy.

e) mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, or the maintenance of current assets.

f) any agreement reflecting a change in the officers, directors, or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee.

3) Personnel: Management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the license or permittee; station management contracts with any persons, whether officers, directors, or regular employees, that provide for both a percentage of profits and a sharing in losses; or any similar agreements.

4) THE FOLLOWING CONTRACTS DO NOT HAVE TO BE FILED:

Agreements with persons regularly employed as general or station managers or salespersons; contracts with program managers or program personnel; contracts with attorneys, accountants or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

5) Time brokerage agreements: Time brokerage agreements involving radio stations, where the licensee (including all parties under common control) is the brokering entity, there is a principal community contour (predicted or measured 5 mV/m groundwave for AM stations and predicted 3.16 mV/m for FM stations) overlap with the brokered station, and more than fifteen percent of the time of the brokered station, on a weekly basis, is brokered by that licensee. Confidential or proprietary information may be deleted but such information shall be made available for inspection upon request by the FCC.

6) THE FOLLOWING CONTRACTS, AGREEMENTS, OR UNDERSTANDINGS NEED NOT BE FILED BUT SHALL BE KEPT AT THE STATION AND MADE AVAILABLE FOR INSPECTION UPON REQUEST BY THE FCC: Contracts relating to the sale of television broadcast time to "time brokers" for resale; subchannel leasing agreements for subsidiary communications authorization operation; franchise/leasing agreements for operation of telecommunications services on the TV vertical blanking interval; time sales contracts with the same sponsor for four or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators. (FCC Rule 73.3613).

D. ATTRIBUTION OF INTERESTS

It is important for both reporting purposes and for the computation of the applicability of the multiple ownership rules to determine what entity or person is an "owner." Many of the criteria for such determination are confusing and are buried in footnotes to the Commission's multiple ownership rules.

The Ownership Report (FCC Form 323) requires the reporting of the following:

1. All officers
2. All directors
3. All "cognizable" stockholders
4. All "cognizable" partners

While the term "officers" and "directors" are self-explanatory, the "cognizability" of stockholders and partners requires detailed discussion.

Cognizable Stockholders

Owners of five percent or more of the outstanding voting stock of a corporation.[11] (Investment companies, insurance companies or trust departments of banks must be listed only if the aggregated holding accounts for ten percent or more of the outstanding votes, provided the licensee certifies that such entities exercise no influence over the corporation, directly or indirectly, and have no representatives among the officers and directors of the corporation). Holders of nonvoting stock are not holders of a cognizable interest. Holders of warrants, convertible debentures and similar instruments having the right to convert to voting interests are not attributed until conversion takes place.

Caveat: If a single entity holds more than 50 percent of the voting stock, and a simple majority is all that is required to control corporate affairs, no other stockholder need be reported, and such ownership is not cognizable.

Cognizable Partners

1. All partners of a partnership

2. If a limited partnership,

   a) all general partners

   b) all limited partners, unless the limited partners are not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the licensee, permittee or respondent so certifies. A statement assuring this non-involvement must be attached to the report. The instruction sheet covering the ownership report (Appendix A) contains a detailed description of the criteria for the insulation of limited partners.

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification cannot be made if the licensee, permittee or respondent has actual knowledge of a material involvement of the limited partner in the management or operation of the media-related businesses of the partnership. In the event that the licensee, permittee or respondent cannot certify as to the noninvolvement of the limited partners, the limited partners will be considered to be holders of attributable interests regarding whom full information is required.

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[11]If any stockholder agreement exists pertaining to cooperative voting accounting for five percent or more of the votes, list the block of stock as if held by a single entity, and also list (immediately following) any stockholder holding five percent or more of the stock in that block.

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Cognizable Financial Entities

The entities that qualify for passive investor status are investment companies, bank trust departments, and insurance companies. Under the attribution standards, licensees must certify that no passive investor has exerted or has attempted to exert influence or control over station affairs. This certification must be included in each annual Ownership Report, if applicable. Passive investors are considered to have an attributable ownership interest if they own ten percent or more of the voting stock. Investment advisors, who retain the power to vote stockholdings, will not be treated as passive investors and must be reported assuming they hold a five percent or greater interest in the licensee.[12] Pension funds also must be reported and are not eligible for passive investor status because they are increasingly managing their investments and influencing management policies. Also, Small Business Investment Companies (SBICs) and Minority Enterprise Small Business Investment Companies (MESBICs) are not accorded passive status and must be reported if they hold five percent or more of the voting stock because these entities are authorized to exercise control over investment properties under certain conditions. However, SBICs and MESBICs, or any other nonpassive investors, may be relieved from these reporting requirements by structuring their investments to be nonattributable investments, such as nonvoting stockholdings or properly insulated limited partnership interests.

In cases where voting and holding the stock is not identical (for example, bank nominees holding stock as record owners, brokerage houses holding stock in "street names" for the benefit of customers and investment advisors holding stock in their own names for the benefit of clients), information must be reported concerning the party having the right to determine how the stock will be voted. Under the Commission's attribution rules, such party is considered to own the stock. 97 FCC 2d 997 (1984). The FCC is currently reevaluating its attribution rules in MM Docket 94-150.

[12]Investment advisors are commonly broker-dealers who often purchase stock directly for their clients. They are distinguished from an investment company, which is eligible for the passive attribution benchmark, in that the purchases belong directly to their clients. Investment companies, on the other hand, purchase stock for themselves, and, in turn, sell interests in the investment companies to their clients.

E. ANNUAL EMPLOYMENT REPORTS

The current EEO reporting requirements were established in 1987. 2 FCC Rcd 3967. All broadcast stations must file[13] a Broadcast Station Annual Employment Report (FCC Form 395-B) on or before May 31 of each year, which reflects the employment figures from any one payroll period during January, February, or March. (FCC Rule 73.3612). Stations with fewer than five full-time employees during the selected payroll period should check the appropriate box in Section III, B, and should complete Sections I, II, and III and certify the correctness of the information on the form. Licensees with five or more full-time employees should complete the entire Form 395-B, which requires such licensees to report employment statistics for full-time and part-time employees on separate tables.

Two copies of the Broadcast Station Annual Employment Report must be filed for each AM, FM, and TV station, whether commercial or noncommercial. However, two copies of a combined report may be filed for an AM and an FM station if both are under common ownership; and are assigned to the same principal city or to different cities within the same standard metropolitan statistical area.

See p. 161 for a detailed discussion of the FCC EEO policies and requirements.

While the details of the report are spelled out in the instructions accompanying the form (See Appendix A), respondents should note that the same payroll period should be used in each year's report. The latest version of the form should be used.

There are two other forms that are used in enforcing the FCC's EEO rules: Form 396-EEO Program Report, filed with the license renewal application, and Form 396-A used in connection with new applications.

The Commission has issued an "Interpretative Ruling" governing the reporting by LMAs and similar arrangements. In such arrangements employees should be reported on the 395-B form of the licensee that employs them even though they may physically work at the brokered station. The licensee of the brokered station must report persons whom it has retained or hired after the brokerage begins. Brokers who are not licensee need not file 395-B reports. (See Interpretative Ruling in Appendix D).

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[13]Secretary, FCC, 1919 M Street, NW, Washington, DC 20554.

Readers are cautioned to check the status of this reporting requirement — and other EEO rules — in view of the pendency of wide-ranging reexamination of these FCC policies in pending rule making proceedings in MM Docket 96-16.

F. QUARTERLY ISSUES/PROGRAMS LISTS

As part of its "deregulation" of the broadcast media, the FCC eliminated the daily detailed program logging rules that have long been a feature of broadcast operations. 84 FCC 2d 968 (1981); 98 FCC 2d 746 (1984); 98 FCC 2d 1076 (1984). Initially, licensees were required to prepare and retain in their public files an annual list of five to ten issues deemed important to the community of license. Also, licensees were required to list examples of the programming that addressed those issues.

Following court appeals, the FCC established a policy that requires a station to prepare lists, on a quarterly basis, that enumerate some of the community issues that the station addressed during the preceding three months and that set forth programming that gave "significant treatment" to those issues. 104 FCC 2d 505 (1986); 98 FCC 2d 1076 (1984).

Licensees should note that the five-issue minimum has been eliminated. Thus, a station that has not dealt with five issues during the past quarter is not necessarily in violation of this requirement. However, the FCC has stated that a licensee whose lists include at least five issues each quarter would likely be able to demonstrate compliance with the issue-responsive programming obligation. 104 FCC 2d 505, note 8 (1986).

Each list must identify the issue, provide a narrative description of the programming that addressed the issue (including the program's title), and the program's duration and time and date of airing. See Appendix E for a sample quarterly issues/programs lists. Programs that meet the significant treatment requirement can include local or national programs, news reports and public service announcements.

Quarterly lists must be placed in the station's public inspection file by the 10th day following each calendar quarter: January 10, April 10, July 10 and October 10.

Because these lists constitute tangible evidence of the station's programming and may be used as a basis for Petitions to Deny the renewal of the station's license, licensees are cautioned to ensure that these lists are complete, correct and are filed on a timely basis. The license renewal application requires a certification

(Section III, Question 2) to that effect. If for any reason a truthful certification cannot be made, an exhibit should be attached explaining the details of the shortcoming and stating corrective steps that have been taken.

THE PUBLIC INSPECTION FILE

One of the chief methods of interface between the broadcaster and the public is the public inspection (PI). The broadcaster must bear in mind that the public has a right of access to this file during regular business hours, and no appointment is necessary. Other than giving their name and address (for security purposes), members of the public need give no other information. They cannot be asked the reason for the inspection, or the reason for the request for a particular document, or the name of their organization. Particular care should be taken that someone who is familiar with the location of the file be available during the lunch hour as this is likely to be a convenient time for members of the public to seek access to the file.

A. LOCATION

The PI file must be maintained in the station's community of license either at the main studio or at any accessible place such as a public library.

Since 1987, stations have been permitted to locate their main studios anywhere within their principal community contours (5.0 mV/m for AM; 3.16 mV/m for FM and Grade A for TV). When a studio is located outside the community of license, it is the responsibility of the broadcaster to make arrangements to have the file located in a public place within the community of license.[14] A public library or a similar institution is recommended.

IT IS STRONGLY SUGGESTED THAT STATIONS MAINTAIN A FULL SET OF THE PI FILE AT THE STUDIO EVEN THOUGH ANOTHER SET MAY BE LOCATED IN THE COMMUNITY OF LICENSE.

When the PI file is maintained away from the main studio, the station is responsible for keeping the file current and for making personnel at the remote location familiar with the unrestricted access provisions.

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[14]Stations that had been granted a waiver of the main studio location requirement prior to July 16, 1987, may maintain the file at the studio only.

After a station is sold, the new station owner is responsible for the completeness of the public file for the period both before and after the consummation of the sale. If there are documents missing from the file it is the duty of the new owner to obtain copies from the FCC or from the previous owner. (FCC Rule 73.3526(b)).

It is important that the PI file be located at an easily accessible location in compliance with the Americans with Disabilities Act.

B. COPYING

When a member of the public requests a copy of a document in the PI file, photocopying must be made available, provided the individual agrees to pay the reasonable costs of reproduction. If the copying cannot be done on the premises, the station must supply the requested copies within seven (7) days. Stations are not required to honor requests made by telephone or mail, but are not prevented from doing so.

Members of the public should be permitted to examine the file without interference, but may not remove any documents for copying or otherwise.

C. CONTENTS

Appendix C lists the documents required to be maintained in the public file. It is recommended that records be removed from the PI file at the end of the retention period. It is a good practice to have only one person responsible for the maintenance of the PI file. Also an annual inventory should be taken, usually in connection with the filing of the Annual Employment Report.

NOTE: Although the rules still require that the PI file contain the 1974 *Procedural Manual*, which is out-of-date, the FCC will not enforce this requirement until the issuance of a new manual.

NOTE: The Commission has eliminated the requirement that network-owned stations maintain certain programming records. See 10 FCC Rcd 12165 (1995).

CANDOR

The Commission or its representatives may, in writing, require from any applicant, permittee or licensee written statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a licensee should be revoked, or to some other matter within the jurisdiction of the Commission. No such party shall in any response to Commission correspondence or inquiry or in any application, pleading, report or any other written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission.

While this section applies only to written matter, it implies no change in the Commission's existing policies respecting the obligation of applicants, permittees and licensees in all instances to respond truthfully to requests for information deemed necessary to the proper execution of the Commission's functions. (FCC Rule 73.1015).

CHARACTER

The Commission expects its applicants, permittees and licensees to observe not only its own rules, but also the laws and regulations of all agencies or governments as well. The issue of the "character" of the applicant has been considered for many years as a comparative issue when comparing two or more competing applicants. In 1986, the Commission decided to treat "character" as a basic qualifying issue. 102 FCC 2d 1179 (1986) rec. den. in part and granted in part, 1 FCC Rcd 421 (1986). In that document, the Commission focused its character inquiry "on the likelihood that the applicant will deal truthfully with the Commission and comply with the Communications Act and our rules and policies." Readers should consult the section dealing with Annual Violations of Law Reports, p. 45 supra., for a discussion of the reporting requirements for non-FCC violations.

The Commission specifically determined that three types of conduct not proscribed specifically by the Act or FCC Rules should be considered: 1) fraudulent statements to government agencies; 2) certain criminal convictions; and 3) violations of broadcast-related antitrust statutes.

Factors that the Commission considers in judging the importance of a party's violations of law are as follows:

1. the willfulness of the misconduct;

2. the frequency of the misconduct;

3. the seriousness of the misconduct;

4. the nature of the participation in the misconduct;

5. efforts made to remedy the wrong;

6. record of compliance with other rules; and

7. the point in time when the misconduct took place.

The Commission has imposed a 10-year limit beyond which it will not consider character violations.

PART II — ON THE AIR

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H. HYPOING

PART II - ON THE AIR

Once a station has begun operations, there are certain announcements which must be made. Some of these announcements are prescribed as to content, form and timing. Others give the operator discretion as to these factors. In order to avoid complications — and fines — station operators are cautioned to scrupulously observe these requirements.

ANNOUNCEMENTS

A. STATION IDENTIFICATION

Station identification announcements must be broadcast at the beginning and ending of each day of operation, and hourly, as close to the hour as feasible at a natural break in programming. Television stations may make the required announcement either visually or aurally. (FCC Rule 73.1201(a)).

The official station identification announcement must contain the station's call letters followed by the name of the city of license as specified in the station's license. In addition, the name of the licensee or the station's frequency or channel number or both may be included between the call letters and the city of license. No other insertion is permissible. Thus, the announcement, "This is station WBPE, Austin Broadcasting Incorporated, 750 on your AM dial, Central City," would be permissible. Not acceptable would be "WBPE, Austin Broadcasting Incorporated, 750 on your hot AM dial, your number one rocker in Central City." (FCC Rule 73.1201(b)).

A station may include the name of any additional community or communities with its official station identification. However, the community of license must be named first. A station need not demonstrate signal coverage in order to name an additional city after the community of license.[15]

Except in cases of simultaneous AM-FM broadcasting, or rebroadcasting by a satellite station, in making a station identification announcement, the call letters must be given only on the frequency or channel of the station identified by the announcement. During periods of simulcasting, station identifications may be made jointly for the stations.

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[15]Where a station is licensed to two communities, both communities must be mentioned in the order in which they appear on the station license.

When a station's programming is being rebroadcast simultaneously by a satellite station, the originating station may make station identification announcements for the satellite station. In such cases, the station identification announcement shall include the frequency (radio) or channel (TV) of the satellite and the originating station, as well as the call letters and city of license of each. (FCC Rule 73.1201(c)(3)(i)-(ii)).

Stations operating subscription television programming need not identify themselves during such programming, but must do so immediately before and after encoded operation.

When the same licensee operates AM stations in the same community simultaneously on the regular (530-1605 kHz) and expanded (1605-1705 kHz) bands, the station identification may be made jointly for both stations for the period of such simultaneous operation.

TV stations may make station ID announcements visually or aurally.

B. RENEWAL OF LICENSE ANNOUNCEMENTS

An applicant who files for renewal of a broadcast station license must broadcast announcements over the station that gives notice of the filing and must invite comment from the public.[16] The FCC requires that the broadcasting of these public announcements take place in the period starting two months before and ending three months after the filing of the renewal application. (FCC Rule 73.3580(d)(4)). Applications for renewal of license must be filed no later than four months prior to the expiration of license. See pp. 9-12 supra., for a listing of license expiration and renewal application filing dates.

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[16]The Commission simplified the renewal announcements for LPTV stations. Henceforth, an applicant who files an application for renewal of an LPTV that originates programming may omit the references to a public inspection file. Moreover, such an applicant need not publish an ad in the newspaper as heretofore required. The newspaper publication requirement will, however, apply to LPTV stations that do not originate programming, TV translator, TV booster, FM translator or FM booster stations. 7 FCC Rcd 2284 (1992).

The required broadcast announcements are to be made as close to the standard announcement time as the LPTV's schedule will permit.

Prefiling Announcements

The first prefiling announcements must be broadcast two months prior to filing the renewal application on the first and sixteenth day of these two months. The following chart provides the prefiling announcement schedule.

License Expires	Prefiling Announcement Airs	File Application
February 1	August 1 & 16*; September 1 & 16*	October 1*
April 1	October 1 & 16*; November 1 & 16*	December 1*
June 1	December 1 & 16*; January 1 & 16*	February 1
August 1	February 1 & 16; March 1 & 16	April 1
October 1	April 1 & 16; May 1 & 16	June 1
December 1	June 1 & 16; July 1 & 16	August 1

*Denotes month in the year preceding license expiration.

Times

For television stations, at least two of the announcements must be broadcast between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain Time).

For radio stations, at least two of the announcements must be broadcast between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m. For radio stations that operate neither between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., at least two prefiling announcements must be broadcast during the first two hours of broadcast operation.

For noncommercial educational stations, the announcements should be broadcast at the same time as commercial stations, except that such stations need not broadcast the announcement during any month when the station is not operating.

TEXT OF THE PREFILING ANNOUNCEMENT

ON (date of last renewal grant) (station call letters) WAS GRANTED A LICENSE BY THE FEDERAL COMMUNICATIONS COMMISSION TO SERVE THE PUBLIC INTEREST AS A PUBLIC TRUSTEE UNTIL (expiration date). OUR LICENSE WILL EXPIRE ON (date). WE MUST FILE AN APPLICATION FOR RENEWAL WITH THE FCC ON OR BEFORE (first day of fourth full calendar month prior to expiration date). WHEN FILED, A COPY OF THIS APPLICATION WILL BE AVAILABLE FOR PUBLIC INSPECTION DURING OUR REGULAR BUSINESS HOURS. IT CONTAINS INFORMATION CONCERNING THIS STATION'S PERFORMANCE DURING THE LAST (period of time covered by the application).

INDIVIDUALS WHO WISH TO ADVISE THE FCC OF FACTS RELATING TO OUR RENEWAL APPLICATION AND TO WHETHER THIS STATION HAS OPERATED IN THE PUBLIC INTEREST SHOULD FILE COMMENTS AND PETITIONS WITH THE FCC BY (first day of last full calendar month prior to the month of expiration).

FURTHER INFORMATION CONCERNING THE FCC'S BROADCAST LICENSE RENEWAL PROCESS IS AVAILABLE AT (address of location of the station's public inspection file) OR MAY BE OBTAINED FROM THE FCC, WASHINGTON, D.C. 20554.

When airing prefiling announcements, television stations must visually show the addresses of both the station and the FCC.

Post filing Announcements

Post filing announcements are to be aired on the first and sixteenth day of the month in which the application is due for filing at the FCC, and continue to run on the first and sixteenth days of the two succeeding months. The following chart provides the Post filing announcement schedule.

License Expires	File Application	Post filing Announcement Airs
February 1	October 1*	October 1 & 16*; November 1 & 16*; December 1 & 16*
April 1	December*	December 1 & 16*; January 1 & 16; February 1 & 16
June 1	February 1	February 1 & 16; March 1 & 16; April 1 & 16
August 1	April 1	April 1 & 16; May 1 & 16; June 1 & 16
October 1	June 1	June 1 & 16; July 1 & 16; August 1 & 16
December 1	August 1	August 1 & 16; September 1 & 16; October 1 & 16

*Denotes month in the year preceding license expiration.

Times

For television stations, at least three announcements must be broadcast between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain Time); at least one announcement between 9 a.m. and 1 p.m.; at least one announcement between 1 p.m. and 5 p.m.; and at least one announcement between 5 p.m. and 7 p.m.

For radio stations, at least three Post filing announcements must be broadcast between 7 a.m. and 9 a.m., and/or 4 p.m. and 6 p.m.; at least one announcement between 9 a.m. and noon; at least one announcement between noon and 4 p.m.; and at least one announcement between 7 p.m. and midnight. For radio stations that do not operate between 7 a.m. and 9 a.m. or between 4 p.m. and 6 p.m., at least three of the required announcements must be made during the first two hours of broadcast operation. Stations that simulcast may broadcast the public announcement for both stations simultaneously, referring, if applicable, to different dates for the grants of the licenses.

For noncommercial educational stations, the Post filing announcements should be broadcast at the same time as those for commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

TEXT OF THE POST FILING ANNOUNCEMENT

ON (date of last renewal grant) (station call letters) WAS GRANTED A LICENSE BY THE FEDERAL COMMUNICATIONS COMMISSION TO SERVE THE PUBLIC INTEREST AS A PUBLIC TRUSTEE UNTIL (expiration date). OUR LICENSE WILL EXPIRE ON (date). WE HAVE FILED AN APPLICATION FOR LICENSE RENEWAL WITH THE FCC.

A COPY OF THIS APPLICATION IS AVAILABLE FOR PUBLIC INSPECTION DURING OUR REGULAR BUSINESS HOURS. IT CONTAINS INFORMATION CONCERNING THIS STATION'S PERFORMANCE DURING THE LAST (period of time covered by application).

INDIVIDUALS WHO WISH TO ADVISE THE FCC OF FACTS RELATING TO OUR RENEWAL APPLICATION AND TO WHETHER THIS STATION HAS OPERATED IN THE PUBLIC INTEREST SHOULD FILE COMMENTS AND PETITIONS WITH THE FCC BY (first day of last full calendar month prior to the month of expiration).

FURTHER INFORMATION CONCERNING THE FCC'S BROADCAST LICENSE RENEWAL PROCESS IS AVAILABLE AT (address of location of the station's public inspection file) OR MAY BE OBTAINED FROM THE FCC, WASHINGTON, D.C. 20554.

When airing post filing announcements, television stations must visually show the addresses of both the station and the FCC.

Text of Announcements if Previously Filed Renewal Application Not Granted

If a previously filed renewal application has not been granted by the time the next pre- and Post filing announcements are due to be broadcast, stations should substitute the following paragraph for the first sentence of each announcement.

(Station call letters) IS LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION TO SERVE THE PUBLIC INTEREST AS A PUBLIC TRUSTEE.

Foreign Language Stations

Stations broadcasting primarily in a foreign language should broadcast the pre- and Post filing announcements in that language.

Certificate of Compliance

Within seven days of completion of all the pre- and post filing announcements, the licensee must place in the PI file a Certificate of Compliance with the public notice announcement requirements. Stations are no longer required to file this certificate with the FCC. The certificate should set forth the dates and times on which the announcements were broadcast and the text of the announcements, and should be signed by a member of the station's staff. See Appendix F for a sample Certificate of Compliance.

Licensees who fail to meet the requirements for broadcasting the announcements (e.g., aired the announcements on the wrong date or not in the required time periods, technical malfunction, etc.) must attach a statement to the certificate that explains why the announcements were not aired properly, when the error was discovered and the corrective measures undertaken by the station. The FCC will advise applicants of suitable corrective measures. Even if one or more announcements were inadvertently aired on the wrong day, it is important that the station broadcast the total number of pre- and post filing announcements required by the rules, and at the appropriate times.

C. ASSIGNMENT OF LICENSE OR TRANSFER OF CONTROL ANNOUNCEMENTS

When an application is filed seeking the assignment of license of a station or a transfer of control of the licensee, public notice must be given as follows:

1. Newspaper Publication

Notice must appear in a daily newspaper of general circulation published in the community in which the station is located, at least twice a week for two consecutive weeks in a three-week period. If there is no such daily newspaper, in a weekly newspaper of general circulation published in that community, once a week for three consecutive weeks in a four-week period. If there is no daily or weekly newspaper published in that community, in the daily newspaper from wherever published, that has the greatest general circulation in that community, twice a week for two consecutive weeks within a three-week period.

2. Broadcast

Each licensee filing an application seeking assignment or transfer of control must broadcast a notice at least once daily on four days during the second week following the filing of the application or immediately following notification from the FCC that public notice is required. (FCC Rule 73.3580(d)(3)).

3. Time of Broadcast

a) Commercial Radio. The announcements must be made between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m. For stations that neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., these announcements should be made during the first two hours of broadcast operation.

b) Commercial TV. The announcements must be made between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain Time).

4. Contents

The announcements must contain the following information:

a) the names of the seller and buyer; the names of all partners, if an applicant is a partnership; or the names of all officers and directors and of those persons holding 10 percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association;

b) the purpose for which the application was filed (e.g., assignment of license or transfer of control);

c) the date on which the application was tendered for filing with the FCC;

d) the call letters, if any, of the station, and the frequency or channel on which the station is operating or proposes to operate; and

e) a statement that a copy of the application, amendment(s), and related material are on file for public inspection at a stated address in the community in which the station is located.

The local public notice must be completed within 30 days of the filing of the application.

If a station is the only operating station in its broadcast service (e.g., only AM) located in the community (or is a noncommercial educational station) it need not publish a newspaper notice. Broadcast publication is deemed to be in compliance with the public notice rule.

D. OBTAINING OR CHANGING CALL LETTERS

Except for cases of geographical proximity to the Mississippi River and several stations whose call signs have been grandfathered,[17] stations located west of the Mississippi River are assigned call letters beginning with "K" and stations to the east are assigned call letters beginning with "W."

While in the past, the FCC was involved in the complicated proceedings designed to resolve call letter disputes, that function has now been delegated to the courts. The FCC will not entertain objections to call letter assignments, but will abide by the decision of any appropriate forum.

In an exhaustive analysis of relevant factors involved in call letter protection, the Delaware Chancery Court in Draper Communications, Inc. v. Delaware Valley Broadcasters Limited Partnership, 505 A.2d 1283 (1985), enjoined the use of the call letters WBOT-TV by a station in Wilmington, Delaware, upon a complaint by WBOC-TV, Salisbury, Maryland. The stations' service contours overlapped in significant population areas. The court rejected the Wilmington station's argument that the public identifies stations by channel number, not by call letters. The court noted that the emergence of cable, with different channel locations for broadcast stations, dissipates the public's identification of the TV station with its on the air channel assignment and increases the importance of call letters.

In 1987 the Commission further changed the call letter regulations to allow a licensee to retain the station call sign when requesting a transfer to another frequency serving substantially the same area. 2 FCC Rcd 6681 (1987).

The FCC also permitted the assignment of the same basic call sign to stations, in different services, that are not commonly owned, as long as the applicant submits written permission from the station already using the call sign. This consent requirement applies nationwide. For example, an AM station in Maine would need to get written permission from a TV station in Florida if it wanted to use the same basic call sign as the TV station. Accordingly, the broadcaster holding the original call letters has control over the use of those letters both in its own market and

[17]The call sign of a new or acquired station may be conformed to the grandfathered call sign of a commonly owned station.

nationwide. If no consent is submitted, or if no request is made for a new call sign, the Commission will assign a new call sign on its own motion.

Call signs are assigned by the FCC on a "first-come, first-served" basis. Applicants for new stations may not request a new call sign until a construction permit has been granted. Applicants for transfer or assignment of an outstanding construction permit or a license may request a new call sign when the application for transfer or assignment is filed, or any time thereafter. However, if an effective date is desired before the application is granted by the FCC and the transfer is consummated, the request must be accompanied by written consent from the transferor or assignor. Otherwise, the call sign assignment will be made effective after notification to the FCC of the consummation of the transfer.

Requests for new or modified call sign must be made by letter. An original and one copy are to be submitted.[18] Information concerning availability of call signs can be obtained by calling (202) 418-0286.

As many as five call signs, listed in descending order of preference, may be included in a single request. Applicants may request any available combination of letters. Stations in different broadcast services under common ownership may request the same basic call sign regardless of the location of the communities of license. FM or television stations wishing to add or delete the suffix "-FM" or "-TV" from an existing call sign need only send a letter of such request to the FCC. Stations operating jointly in the regular (535-1605 kHz) and expanded (1605-1705 kHz) band may request that their call letters be conformed.

Applicants for new or modified call sign may include in their letter a request for a specific effective date for the call sign assignment. Parties are cautioned not to use or advertise new call letters until the FCC has officially granted the request.

Failure by a permittee of a new station to request a call sign within 30 days of the grant of the construction permit will result in the FCC assigning a call sign on its own motion. Only four-letter call signs will be assigned (plus the suffix FM, TV or LP for low power stations). However, a call sign may be conformed to an existing commonly owned station with a three-letter call sign. The LP suffix is mandatory for LPTV stations. The FM and TV suffixes are optional for full service FM and TV stations.

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[18]Requests for call signs must be accompanied by the appropriate fee and drug certification, except in cases of initial requests for a call sign to cover a newly granted construction permit, where no fee is required.

E. PUBLIC NOTICE OF APPLICATIONS FOR NEW STATIONS OR MAJOR CHANGES

Applicants for new stations or major changes must publish a newspaper notice of the application as follows:

1. in a daily newspaper of general circulation published in the community in which the station is proposed to be located, at least twice a week for two consecutive weeks in a three-week period; or

2. if there is no such daily newspaper, in a weekly newspaper of general circulation published in that community, once a week for three consecutive weeks in a four-week period; or

3. if there is no daily or weekly newspaper published in that community, in the daily newspaper from wherever published, that has the greatest general circulation in that community, twice a week for two consecutive weeks within a three-week period.

Publication must be completed within 30 days of the filing of the application.

The notice must contain the following information:

1. the name of the applicant, if the applicant is an individual; the names of all partners, if the applicant is a partnership; or the names of all officers and directors and of those persons holding ten percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association;

2. the purposes for which the application was filed (construction permit or modification);

3. the date when the application or amendment was tendered for filing with the FCC;

4. the frequency or channel on which the station proposes to operate;

5. the facilities sought, including type and class of station, power, location of studios, transmitter site and antenna height; and

6. a statement that a copy of the application and related material are on file for public inspection at a stated address in the community in which the station is proposed to be located.

Modifications

Applicants filing for the modification of license or construction permit must also include in the announcement the call letters of the station and the nature of the modification being proposed.

Broadcast notice of a modification must be given at least once daily on four days in the second week immediately following the filing of the application. For commercial radio stations these announcements shall be made between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m, these announcements shall be made during the first two hours of broadcast operation. For commercial TV stations, these announcements shall be made between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain time).

When the station in question is the only operating station in the broadcast service that is located in the community involved, or if it is in a non commercial educational station, no newspaper notice is required if broadcast notice is given. However, if such station does not broadcast during the portion of the year in which the period of broadcast of notice falls, it must comply with the newspaper advertising provisions.

Section 325 Notices

Parties proposing to transmit programs to a foreign country for broadcast into the United States must give notice by publication in a daily newspaper of general circulation in the largest city in the principal area to be served in the U.S. by the foreign broadcast station at least twice a week for two consecutive weeks within a three week period. The notice must contain the call letters and location of the foreign station, the frequency or channel on which it operates, and a description of the programs to be transmitted. The notice should also contain the other elements of the standard notice form, where applicable. See p. 67 supra.

Change of Station Location Notices

In case of an application for a change in station location (community of license), the applicant must publish a notice both in the community in which the station is located and in the community in which the station is proposed to be located. The notice must be published in a manner described on p. 70 supra.

The following applications are not subject to public notice requirements:

1. application for "minor changes" (see below);

2. application on Form 316 (see p. 24);

3. application for license (see p. 6) and interim or temporary authority;

4. application for extension of time to construct (see p.5);

5. application for remote pickups or STLs to be used in connection with a station operation; and

6. application for authority to locate a studio in the U.S. for purpose of transmitting programs to a foreign station that is heard in the U.S., if the programs are "special events not of a continuing nature."

A MINOR change (and not subject to public notice) is any application WHICH IS NOT

AM

1. an increase in power except where accompanied by a complementary reduction in antenna efficiency that leads to the same or lesser radiation in all directions,[19] relative to the presently authorized radiation levels;

2. a change in frequency;

3. a change in hours of operation; and

4. a change in the community of license (FCC Rule 73.3571(a)(1)).

FM

Commercial

1. a change in frequency, and

[19]In the horizontal and vertical planes where skywave propagation is involved and in the horizontal plane only for daytime considerations.

2. a change in the community of license that is now in accord with the FM Table of Allotments.

Noncommercial[20]

1. a change in frequency;

2. a change in the community of license; and

3. a change in power or antenna location or height above average terrain (or combination thereof) that would result in a change or 50 percent or more on the area within the station predicted 1mV/m contour (FCC Rule 73.3573).

TV

1. a change in frequency, and

2. a change in community of license which is in accord with the TV Table of Allotments (FCC Rule 73.3572(a)(1)).

LPTV, TV Translator, TV Booster

1. a change in frequency assignment (not applicable to TV boosters);

2. a change in the antenna systems, including the direction of radiation;

3. a change in antenna height;

4. a change in antenna location exceeding 200 meters; and

5. a change in power.

NOTE: A change in output channel and other technical modifications that are necessary to avoid interference (including a change in antenna location of less than 16.1 km will not be considered a major change). (FCC Rule 73.3572(a)(2)).

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[20]In a notice of proposed rule making in Docket 95-31 dealing with comparative criteria, the FCC announced a partial freeze on the processing of mutually exclusive applications. It will, however, process applications that are not mutually exclusive and will approve appropriate universal settlements (all applicants).

Caveat Lector:

In all cases the Commission reserves the right to advise the applicant within 15 days of the acceptance of the application for filing that the application is considered a major change requiring publication.

F. SPONSOR IDENTIFICATION

Section 317 of the Communications Act and FCC Rule 73.1212 provide that whenever a station broadcasts any material for which it has received, or will receive, any money, service, or other valuable consideration,[21] it must fully and fairly identify the entity that paid, or promised to pay, for the carriage of that material.

Although the Commission published a series of interpretations of the sponsor identification rules in 1963 and 1975 (40 FCC 141 and 52 FCC 2d 701), the passage of years has brought about new provisions and changes, and readers are cautioned to check the currency of the decisions cited in those documents.

Briefly stated, the following are the main provisions of the sponsorship identification rules:

1. The announcement must fully and fairly disclose the true identity of the entity by whom, or on whose behalf, payment or service has been made or furnished, or will be made or furnished. Where an agent contracts with a station on behalf of another, and such fact is known, or by the exercise of reasonable diligence could be known, to the station, the announcement must disclose the identity of the entity on whose behalf such agent is acting instead of the name of such agent.

2. Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, or other entity is paying for or furnishing the broadcast matter, in addition to making the announcement required by this section, the station must require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation be made available for public inspection. If the broadcast

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[21]This does not include any service or property furnished either without or at a nominal charge for use on or in connection with a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

is originated by a network, the list may be retained at the headquarters office of the network.

3. In case of political programs or the discussion of controversial issues of public importance, when film, talent, script or other materials or services are furnished to the station as an inducement for broadcasting such matter, an announcement must be made at the beginning and end of the program disclosing this fact. Programs of five minutes duration or less require only the announcement, either at the beginning or end of the program.

4. In the case of an advertisement for commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, is sufficient, and only one announcement need be made at any time during the course of the broadcast. Thus, "Chevrolet" will suffice and no mention of General Motors is required.

5. In cases of "want ads" sponsored by individuals (but not by a business) no special announcement is required, except that the station must:

a) maintain a list showing the name, address and (where available) the telephone number of each advertiser; and

b) make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list. Such list must be retained for a period of two years after broadcast.

6. The requirements for announcements indicating the entities that furnished services or consideration have been waived with respect to feature motion picture films produced initially and primarily for theater exhibition.

Stations are cautioned to maintain strict control over the airing of sponsorship identification announcements not only to ensure that they are made, but that they adequately describe the sponsoring entity.

For instance, an announcement extolling the attraction of Cripple Creek, Colorado, for which payment was made by the city's Chamber of Commerce, must clearly identify the chamber as the sponsor, even though the announcement features businesses located in that city. "A listener hearing of Cripple Creek's restaurants,

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CICERO, ILL.

lodgings, train rides and other offerings does not automatically think of the Cripple Creek Chamber of Commerce." 8 FCC Rcd 7892 (1993).[22]

Similarly, where a doctor purchases a two-hour block of time during which he advertises his practice, the station must clearly disclose that sponsorship. The fact that the doctor also promotes medicinal products by their trade names, while meeting the sponsorship identification requirement for those products, does not remove the requirement that the doctor, himself, also be identified as the sponsor of the time. 7 FCC Rcd 927 (1992).

In a recent case, a station was assessed a forfeiture for failing to disclose that the "Council for Crafted with Pride in the USA" was the sponsor of spots extolling the virtues of clothing made in the U.S. The FCC held that "the two are not obviously intertwined in the public mind." 10 FCC Rcd 11004 (1995).

In a significant decision, National Assn. for Better Broadcasting v. KCOP, 4 FCC Rcd 4988 (1989), the Commission addressed the sponsorship identification requirements in the context of barter programming. In that case, station KCOP had made available annually $300,000 worth of station advertising time in exchange for the rights to 455 showings of "He Man and the Masters of the Universe." A citizens' group claimed that the toymaker and the program producer should be identified as sponsors of the program.

Stating that its "concern is solely that the value of what KCOP exchanged for the programming might have been less than the program's worth," the Commission ruled that the station did not have to make the requested sponsor identification.

After analyzing the legislative history, the Commission concluded that Section 317 of the Communications Act did not require it "to engage in a detailed review of the adequacy of a broadcaster's payment in every case in which a program discount is alleged." The Commission ruled that under the facts of the case, a $300,000 annual figure was not "nominal" or "token" and that the producers had extracted from KCOP "the full, fair market value of the program." As KCOP "did not purchase the program in question for only a nominal fee," no sponsor identification was required. The Court of Appeals denied review of this decision. National Assn. for Better Broadcasting v. FCC, 902 F.2d 1009 (D.C. Cir. 1990).

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[22]The announcement requirement is not met by a general statement like "a presentation of" or "copyright." The identification must "convey the message required by the sponsorship identification rules and statute." 8 FCC Rcd 3597 (1993).

Teaser Advertisements

In cases of "teaser" announcements (those designed to arouse the public curiosity as to the sponsor who will be revealed later) the FCC has ruled that a sponsorship announcement must be made each time the "teaser" is carried. As a practical matter, "teasers" cannot be broadcast.

Public Service Announcements

In cases of "public service" messages sponsored by governmental entities and nonprofit organizations, the station must clearly identify the sponsor and announce that it was paid for ("This announcement sponsored by the U.S. Army."). Public service announcements (PSAs) that are broadcast free need only to carry the name of the entity on whose behalf they are being aired. 6 FCC Rcd 5861 (1991).

NOTE: Section 711 of the Communications Act requires closed captioning of federally funded PSAs. However, a station is not required to supply closed captioning for PSAs that do not contain such captioning, and is not liable for broadcasting PSAs without captioning unless the licensee intentionally fails to transmit the captioning that is included with the PSA.

Except for political broadcasts, see p. 82 infra., there is no requirement for any particular form that the sponsor identification must take, except that the announcement should be distinct and intelligible.

An important aspect of sponsor identification is the question of "payola" and "plugola." Violations of the law involving this aspect of sponsor identification carry grave criminal penalties and stations should go to great lengths to discover and prevent such practices.

G. PAYOLA AND PLUGOLA

"Payola" is the unreported payment to, or acceptance by, employees of broadcast stations, program producers or program suppliers of any money, service or valuable consideration to achieve airplay for any programming.[23] Section 507 of the Communications Act requires those persons who have paid, accepted, or agreed

[23]While "payola" and "plugola" are terms of art, the former denotes receipt of payment from others, while the latter involves promotion of the employee's own interests. Such promotion is, of course, legitimate if proper disclosures and announcements are made and safeguards are taken against a conflict of interest.

to pay or accept such payments to report that fact to the station licensee before the involved matter is broadcast. In turn, Section 317 of the Act requires the licensee to announce that the matter contained in the program is paid for and to disclose the identity of the person furnishing the money or other valuable consideration.

The seriousness with which the Commission views the practice of payola was stressed by the Public Notice of May 18, 1988, in which the Commission announced a series of indictments resulting from its investigation of the practice. The announcement stated that the Commission rules require that each licensee "exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals," information to enable the licensee to comply with the sponsorship identification requirements of Section 317 of the Act. The reasonable diligence standard can require a higher duty of care by stations whose formats or other circumstances make them more susceptible to payola. "Thus, for example, the FCC expects stations that report to record charting services to demonstrate greater diligence to prevent improper conduct by its principals and employees than would a station with an all news format. It may fall short of 'reasonable diligence' if the licensee of such a reporting station does nothing more than require its employees to execute affidavits stating that they will not violate laws and regulations prohibiting payola." 4 FCC Rcd 7708 (1988).

Licensees are cautioned that in order to sustain a payola conviction it is not necessary for the government to prove that the records in question were actually played. ". . . The government need only prove that the defendant paid money for having his records broadcast, whether or not they were actually broadcast." U.S. v. Goodman, 945 F.2d 125 (6th Cir. 1991).

Plugola, by its definition, applies to interests of station-affiliated personnel. The Commission looks upon the practice as a form of conflict of interest and violation of sponsorship identification. Where a station stockholder is also a record promoter, it is important that an unquestionable arms-length relationship exist between the station and the individual. While such an arrangement is not, per se, a violation of the Commission rules, the individual in question should be isolated from the record selection process. 6 FCC Rcd 7548 (1991).

Appendix G contains a copy of Section 507 of the Communications Act and a sample affidavit to be executed by station personnel upon entering employment and every year thereafter. It must be stressed that requiring the execution of these affidavits may not be enough in itself and that broadcasters, particularly those operating formats where these practices may occur, must take continuing steps to discover and prevent these practices from taking place.

H. MECHANICAL REPRODUCTION

In the early days of radio, the FCC required an announcement to be made each time a record was played on the air. Times have changed, but the FCC, while preserving the requirements of an announcement, has completely changed the context within which such an announcement is to be made.

Currently, only taped, filmed, or recorded program material in which the element of time is of special significance, or on which affirmative effort is made to create the impression it is live, must be broadcast with an appropriate announcement at the beginning of the program stating that it is taped, filmed, or recorded. The language of the announcement must be clear and in terms commonly understood by the public. Television stations may make the announcement either visually or aurally. Where the time element is not of special significance, the announcement need not be made, but the licensee may not try to create the impression that the program is live.

Recorded commercials need not be identified as such. (FCC Rule 73.1208).

PROGRAMMING

The American system of broadcasting is based on the continuous obligation of the station operator (licensee) to serve the interests of the community in exchange for the license to operate the station.

Even though much of the content-based regulation of broadcasting has been eliminated, the licensee in still obligated to:

1. ascertain the needs of the community, although the methodology of such ascertainment is left to the licensee's discretion and

2. serve the needs of the community, although the precise amount and format (news, programs, public service announcements, network, local) is left to the licensee's discretion. The licensee need not serve all ascertained needs and may consider the needs-responsive programming of other stations.

3. Section 204 of the 1996 Telecom Act requires that a station serve "the public interest convenience and necessity" as a condition of license renewal. These terms are not further explained. The FCC will proceed on a case by case basis in defining this standard. (FCC 96-172, released April 12, 1996).

In spite of deregulations, certain content-based regulations are still in effect.

SPECIAL NOTE: Since 1974, the FCC has received millions of letters and cards about a rumor that the Commission will try to stop religious broadcasting. While this rumor is false, public reaction continues nevertheless. As a service to broadcasters who may face questions from the public, the Commission's press release discounting the rumor is reproduced as Appendix H.

A. POLITICAL BROADCASTING AND THE FAIRNESS DOCTRINE

The Commission has completely revamped its political broadcasting rules and associated procedures. 7 FCC Rcd 678 (1991); 7 FCC Rcd 1616 (1992); 7 FCC Rcd 4611 (1992); 7 FCC Rcd 4123 (1992).

Because these rules are constantly under review, readers are urged to consult the latest issue of Political Broadcast Catechism, published by the NAB prior to elections. What follows is a summary of the rules. It is not intended to be a comprehensive statement of the law. Different factual situations, often slight, may dictate different results.

1. Fairness Doctrine

The abolition of the Fairness Doctrine has been upheld by the court. Syracuse Peace Council v. FCC, 867 F.2d 654 (D.C. Cir. 1989), cert. denied, 493 U.S. 1019 (1990). The court upheld the FCC's finding that the Doctrine chilled speech, and that the rationale for the Doctrine — the scarcity of facilities — was no longer applicable. There are efforts being made in Congress to codify the Doctrine, but so far they have not been successful.

The termination of the Fairness Doctrine has affected the following "carryover" policies that had been based on the Fairness Doctrine.

a) **The Ballot Issue Rule.** The Commission held that the repeal of the Fairness Doctrine "because of its chilling effect applies to the fairness doctrine's application to ballot issues as well." 7 FCC Rcd 541 (1992). The FCC action was upheld by the court. Arkansas AFL-CIO v. FCC, 980 F.2d 1190 (8th Cir. 1993). A sharply divided appeals court affirmed the Commission. 11 F.3d 1430 (8th Cir. 1993). Thus, at the present time, neither the Fairness Doctrine itself, nor its corollary ballot issue rule are applicable to broadcast stations.

b) **Political Editorial Rule.** Until further Commission action, broadcasters are required to provide notification, transcript or tape and reply time within 24 hours when a station editorializes for or against a legally qualified candidate. Needless to say, air time should be offered for the appearance of the candidate's representative, not the candidate, because the appearance of the latter may trigger "equal time" rights for the candidate's opponent.

c) **Personal Attack Rule.** A personal attack takes place when during the discussion of controversial issues of public importance, an attack is made on an identified person's or group's character or integrity. In such event, the licensee must, no later than one week thereafter, notify the attacked person or group, provide a script or tape of the broadcast and offer a reasonable time to respond. This rule does not apply to attacks on foreign groups or public figures, attacks made during the use of a legally qualified candidate, or attacks made by candidates or their representatives about opposing candidates or their representatives.

The rule does not apply to bona fide newscasts and commentary and analysis contained in such programs. The rule does apply to station editorials, except in case of noncommercial stations, which are precluded by law from editorializing.

2. Political Broadcasting

Legally qualified candidates for public office are entitled to receive, upon request, equal facilities to those used by their opponents for the same office, under certain defined circumstances. (This right is known colloquially, albeit incorrectly, as "equal time.") Candidates are entitled to a "lowest unit charge" (as defined).

See p. 87 infra. for a checklist to be used in determining whether a person is a legally qualified candidate.

a) **Definition of a "Use."** The "use of a broadcast facility" that triggers equal time obligations and lowest unit charge obligations is a positive "nonexempt" appearance (by identified or identifiable voice or likeness) or political advertisement of a legally qualified candidate. 9 FCC Rcd 651 (1994).

b) **Definition of "Exempt Program."** Appearances on bona fide newscasts, news interviews, news documentaries and on the spot coverage of bona fide news events are exempt appearances. The Commission has ruled regarding the exempt status of many programs such as the television network "morning" shows and major syndicated "talk" programs. Broadcasters should check the exempt status of these programs before airing the appearances of candidates.

c) **Censorship and Sponsor Identification.** A station may not censor a candidate appearing on a nonexempt program. The station cannot control the format of the candidate's presentation or insist that he or she answer questions. 7 FCC Rcd 6537 (1992). However, a federal district court has ruled that a station could relegate graphic depictions of abortions contained in a candidate's program to hours when there were fewer children in the audience if the depiction may be harmful to children. Gillett Communications of Atlanta, Inc. v. Becker, 807 F.Supp. 757 (N.D.Ga. 1992). Stations may not censor a candidate's appearance even if the material may be defamatory. The Supreme Court has ruled that the station's inability to censor the material shields the station from liability for defamation. Farmers Educational Cooperative Union of America v. WDAY, Inc., 360 U.S. 525 (1959).

A station may "request" candidates to submit their material in advance to allow the station to determine whether the ad constitutes a "use" and whether it complies with the sponsor identification requirements. If the candidate refuses, the station may advise the candidate that the station must take whatever steps are necessary to add the appropriate sponsor identification to the submitted spot. The additional time for the identification need not be provided free.

A proper sponsor identification must state that the spot is "paid for" or "sponsored by" the specific entity, e.g., committee, organization, association, etc., paying for the spot. The Federal Election Commission requires that political announcements that are paid for by a party other than a candidate or the candidate's committee indicate whether the candidate has authorized the announcement. The purchaser of the spot must be identified.

All television political spots must contain a visual sponsor identification in letters equal to or greater than four percent of the screen height (20 scan lines) and on the air for at least four seconds. The smallest type in each line must meet the four percent requirement. No audio identification is required for a television spot.

Political programs longer than five minutes require sponsorship identification at the beginning and end.

State law may require additional sponsor identification information (e.g., the name of the campaign committee's treasurer) for state and local candidates, but not for federal candidates.

d) **The Political File.** A station's political file must contain all requests for political time and their disposition, including the schedule of the time provided or purchased, the dates and times the spots actually aired, the rates charged, the classes of time purchased, and the documentation of any rebates

provided. When free time is provided for use "by or on behalf of candidates," a record of the free time must be placed in the file.

FCC rules require that the file be maintained in an "orderly" manner.

Because of the importance to candidates of timely access to political file information, the FCC requires that all required information be placed in the file "as soon as possible." The Commission has defined that term as meaning "immediately, absent unusual circumstances." The Commission requires that stations provide some means by which candidates can determine exactly when opposing spots aired. A station may meet this obligation by placing the "information concerning the times ordered by the candidates in the file with a notation that the station will provide immediate assistance and access to its program logs to candidates requesting information" as to the time that scheduled spots actually aired. The file must be updated continuously to show that information. A station need not give information on the telephone regarding the contents of the political file, but if it does so for one candidate it must do so for the opposition.

Materials in a political file must be accessible to the public and retained for two years.

e) **Candidate Access.** Only candidates for federal office (President, U.S. Senate, U.S. Representative) have a right of "reasonable access" to use a station's facilities, including the ability to purchase program-length time consistent with a station's schedule. Stations may not set specific limits on the amount of time that a federal candidate may purchase (such as one spot per hour), but may decline to meet unreasonable requests for time.

Stations are no longer required to sell any advertising time to candidates for state or local office, but may do so if they wish. However, if a station sells to state or local candidates, equal opportunities, sponsor identification, no censorship, and lowest unit charge rules apply, and any "volume discounts" must be made available.

Stations can refuse to sell advertising during news programs. Stations that do not sell political advertising during news programs are not required to create and sell to candidates a "news-adjacency" class of time. If they have such a time slot, or create one, the station must not charge more than the lowest unit rate for the same type of time that otherwise would be offered during the news program itself. If advertising time during news adjacencies is sold as part of a regular program rotation, e.g., a prime time rotator or a 10-11 p.m. slot, candidates may be charged the lowest unit rate that applies to that class of time.

Stations must provide federal candidates with access to the station to place orders or change copy during the weekend prior to an election if, during the year prior to the election period, the station has provided such weekend access to any commercial advertiser. During the weekend before the election, a station need only provide to candidates the same services afforded commercial advertisers on a weekend.

f) **Advance Payment.** A station may require federal candidates to provide advance payment no more than seven days before the first spot in a week's schedule is slated to air. In February 1992, the FCC staff elaborated on this issue, based on the general FCC policy that stations cannot discriminate between commercial advertisers and candidates. The staff determined that advance payment cannot be required if: (1) a candidate or a candidate's agency has established a credit relationship with the station; (2) the candidate or the agency assumes responsibility for payment; and (3) the station would ordinarily extend credit to its other advertisers, such as a circus or traveling art show. Advance payment cannot be required if the station would not so treat commercial advertisers or their representatives under the station's customary payment/credit policies. Thus, stations may still require candidates to pay in advance for spots unless all of the above criteria are met.

g) **Lowest Unit Charge.** While the concept of the lowest unit charge appears to be simple, the complexity of current broadcast selling practices has turned the simple concept into a difficult and confusing problem.

Under Section 315(b) of the Communications Act, a broadcast station's charges for advertising time purchased for candidate use while campaigning for political office during the last 45 days of a primary campaign or the last 60 days of a general election campaign may not exceed "the lowest unit charge of the station for the same class and amount of time for the same period." Outside those immediate preelection periods, the charges to such candidates may not exceed "the charges made for comparable use of such station by other users." Subsection (d) of Section 315 directs the Commission to prescribe rules to implement the statute. The Commission, over the years, has adopted rules, provided general guidance, and issued rulings both orally and in writing in response to complaints and requests for declaratory relief.

The current Commission policy emphasizes "disclosure" to candidates of the various options available to them. Licensees are cautioned to exercise great care in preparing disclosure statements, such disclosure being an affirmative obligation of a broadcast licensee.

While the Political Rate Disclosure Statement may be as simple (or as complicated) as the station's method of selling time, there are certain items that should be included. These include, as a minimum:

- a description and definition of each class of time available to commercial advertisers. This information must be sufficiently complete to allow candidates to identify and understand what specific attributes differentiate each class;

- a description of the lowest unit charge and related privileges (such as priorities against preemption and make goods prior to specific deadlines) for each class of time offered to commercial advertisers;

- if applicable, a description of the station's method of selling preemptible time based on advertiser demand, commonly known as the "current selling level," with the stipulation that candidates will be able to purchase at these demand-generated rates in that same manner as commercial advertisers;

- an approximation of the likelihood of preemption for each kind of preemptible time (so that candidates can make knowledgeable choices); and

- an explanation of the station's sales practices, if any, that are based on audience delivery, with the stipulation that candidates will be able to purchase this kind of time, if it is made available to commercial advertisers. (FCC Rule 73.1942(b)).

The guiding goal in designing a disclosure statement should be to make it possible for the candidate to reach an intelligent choice of the times and methods of reaching the public.

Rates provided outside the 45-day and 60-day "windows" must also be disclosed so that the candidate can ascertain the applicability of the "comparable rates" principle. Usually this is done on a separate disclosure statement. Thus, once a campaign begins, a station should have current disclosure information available for candidate use.

The lowest unit charge (LUC) concept involves three factors:

- "class" — rate categories such as fixed time, immediately preemptible, preemptible with notice, run-of-schedule (ROS);

- "amount of time" — unit of time purchased, such as 30 seconds, 60 seconds, five minutes, one hour; and

- "same period" — prime time, drive time, Class A.

ONLY LEGALLY QUALIFIED CANDIDATES FOR PUBLIC OFFICE ARE ELIGIBLE TO RECEIVE THE LUC.

LUC applies only to "uses" by a legally qualified candidate in connection with that candidate's campaign during the 45/60-day "window."

Rates may change according to the time of day, and/or the day of the week in accordance with regular commercial practices. "Rotations" are "classes of time" and "distinctly different" rotations may command different rates.

h) **The Comparable Use Rule.** The lowest unit charge rule applies only during the 45/60-day election "window." Outside the "window," stations must not charge candidates more than they would charge commercial sponsors for a "comparable use."

i) **Federal Preemption.** The lowest unit charge complexity has resulted in protracted litigation in various courts in which candidates have contended that stations have overcharged them for broadcast time. In order to bring uniformity of procedure and substance in deciding these controversies, the Commission has preempted state courts from deciding whether stations violated the lowest unit charge requirement of Section 315, and determined that there is no private cause of action against stations under federal law for candidates who believe they were overcharged. This FCC preemption encompasses both determinations of liability and the assessment of damages for any violations. At the same time, the FCC adopted new complaint procedures for determining these controversies.

Under the FCC's new complaint procedure, candidates who believe they were overcharged must file a complaint with the FCC. If, after a broadcaster has an opportunity to respond, the Commission determines that the candidate has established a prima facie case that he or she had been overcharged, it will order discovery into the station's commercial sales practices to determine whether it afforded candidates the lowest unit charge. If the FCC determines that its political rules have been violated, it may order rebates to candidates as well as forfeitures. The FCC established $12,500 as the "base fine" for violation of the lowest unit charge, reasonable access and equal opportunities provisions. 6 FCC Rcd 7511 (1991), rec. denied, 7 FCC Rcd 4123 (1992).

j) **Candidate Debates.** The Commission has authorized broadcasters to sponsor political debates. Even if all competing candidates do not appear on the

debate, the broadcast of a debate will be exempt from the equal opportunities requirements (as "on-the-spot" coverage of a "bona fide news event"), provided the debates have genuine news value and are not used to advance the candidacy of any particular individual. Also, taped debates need not be aired within 24 hours of their occurrence to qualify for the exception, as long as they are broadcast soon enough to still be bona fide news.

Specifically, licensees now may sponsor and/or air in-studio debates featuring only the most significant candidates. Minor candidates will not be entitled to request other air time if they are not invited to appear on the station-sponsored debate. A licensee must use its good faith judgment in determining whether a particular candidate is not "significant," and in no case may a station exclude a particular candidate for the purpose of harming that individual's candidacy or advancing the candidacy of another person.

In Chandler v. Georgia Public Telecommunications Commission, 917 F.2d 486 (11th Cir. 1990), cert. denied, 502 U.S. 816 (1991), the court ruled that a public television station did not violate the First or Fourteenth Amendment by refusing to invite a Libertarian candidate to participate in a debate in which the Republican and Democratic candidates appeared. In Forbes v. Arkansas Educ. Television Communication Network Found., 22 F.3d 1423 (8th Cir. 1994), cert. denied, 115 S.Ct. 500 (1994) and 115 S.Ct. 1962 (1995), the Court of Appeals held that a public television station could not deny an independent federal candidate the right to participate in a station-sponsored debate. The court distinguished the case from the Chandler decision on the grounds that in Chandler, the station had offered the candidate time outside the debate, a fact that did not exist in Forbes.

k) **Who is a Legally Qualified Candidate**? The rules for determining who is a "legally qualified candidate" are complex. Briefly stated, they are as follows:

- A candidate must announce publicly an intention to run for the nomination or public office and be qualified under the applicable law to hold the particular office. The contest for nomination for an office, and the contest for the public office are separate contests.

- A candidate for President or Vice-President of the United States is considered a "national candidate" once such candidate has qualified under the laws in ten states or nine states and the District of Columbia. (The Ten State Rule).

l) **The Opposing Candidate.** A person is an "opposing candidate" when that person is a legally qualified candidate seeking the same office as another "legally qualified candidate."

Thus, the candidates for the Republican nomination for City Commissioner are not the opposing candidates of the person seeking Democratic nomination for City Commissioner.

It is only when these individuals win the nomination of their respective parties do they become "opposing candidates." 7 FCC Rcd 4312 (1992).

m) **The Employee Candidate.** When an on-the-air employee becomes a candidate for public office, all appearances by that employee are subject to equal opportunities. There are several options available to the station:

1) If the employee's appearance is identified or identifiable, station management can remove the employee from on the air duties for as long as the employee is a candidate.

2) Leave the employee at the present duties, but be prepared to offer equal opportunities to the opposing candidate(s).

3) Seek a waiver from the opposing candidate, who is under no obligation to provide such a waiver.

n) **Requests for Time.** When a legally qualified candidate makes "use" (see p. 81) of a station's facilities, the opposing candidate has seven days within which to make an "equal time" request.

The requesting candidate has the burden of showing that

1) he or she is a legally qualified candidate;

2) he or she is the opposing candidate;

3) the initial time was devoted to a "use"; and

4) the requested time will be devoted to a "use."

Where there are numerous opposing candidates, the seven-day rule begins to run with the initial use by an opposing candidate. "Piggybacking" is not permitted.

A STATION IS UNDER NO OBLIGATION TO CONTACT A CANDIDATE AND OFFER TIME. A CANDIDATE MUST REQUEST TIME.

o) **The "Zapple Doctrine."** In 1970, the Commission ruled that "quasi-equal opportunities" exist in a situation where a station sells time to supporters of a legally qualified candidate to advocate the election of that candidate or to urge the defeat of that candidate's opponent or to discuss the issues of the campaign. Under those circumstances, the supporters of the opposing candidate are entitled to purchase time at a comparable rate. This doctrine applies only during the 45/60-day campaign window and may be invoked only by major political parties. 23 FCC 2d 707 (1970); 36 FCC 2d 40 (1972).

B. OBSCENE AND INDECENT PROGRAMMING

Although the distinction between "indecent" and "obscene" material is often blurred, the following are the definitions as used by the Commission and the courts for broadcast purposes.

Material is "indecent" if:

It describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities and organs.

Material is "obscene" if:

a) the average person, applying contemporary community standards, would find that the material appeals to the prurient interest;

b) the material describes or depicts sexual conduct in a patently offensive manner; or

c) taken as a whole, the material lacks serious literary, artistic, political, or scientific value.

OBSCENE MATERIAL DOES NOT RECEIVE CONSTITUTIONAL PROTECTION AND MAY NOT BE CARRIED AT ANY TIME.

The current debate regarding indecent programming can be traced to a celebrated broadcast (October 1973) of a George Carlin recording over WBAI-FM, New York. The broadcast took place in the early afternoon. The Commission found that the language in question was "indecent within the meaning of the law," stating that "the concept of 'indecent' is intimately connected with the exposure of children to language that described, in term patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory

activities and organs, at times of the day when there is a reasonable risk that children may be in the audience." The FCC went on to comment that "[w]hen the number of children in the audience is reduced to a minimum, for example during the late evening hours, a different standard might conceivably be used." The Supreme Court upheld the FCC's action. FCC v. Pacifica Foundation, 438 U.S. 726 (1978).

Following extensive litigation, the FCC established a "safe harbor" time for the broadcast of "indecent" (but not obscene) programs. This "safe harbor" is 10 p.m. to 6 a.m. for all broadcast stations — radio, TV, commercial or noncommercial. 10 FCC Rcd 10558 (1995). The term "safe harbor" means the time during which "indecent" broadcasts may be carried.

The seriousness of the Commission's concern with indecent programming can be seen from the fact that it has levied sizable forfeitures on stations alleged to have violated the Commission's rules in this regard. 8 FCC Rcd 2688 (1992); 8 FCC Rcd 6790 (1993); 8 FCC Rcd 6740 (1993). Stations are urged to carefully examine all programs to ensure compliance with these rules. See also P. 106, VIOLENCE ON TELEVISION, for a discussion of the V-Chip mandated by Section 551 of the 1996 Telecom Act.

C. PROMOTIONS AND CONTESTS

After eliminating its policy against promotions adversely affecting the public interest, 57 RR 2d 913 (1985), the Commission in 1992 adopted a rule addressing such activities. The action was prompted by instances of broadcasts such as announcing that the station was taken over by Indians, October 2, 1989, (KSLX-FM) Scottsdale, Arizona; or that a volcano had erupted, July 26, 1990, (WCCC-FM) Hartford, Connecticut; or that the country was under nuclear attack, 6 FCC Rcd 2289 (1991).

The Commission enacted a rule, 73.1217, barring the broadcasting of "false information concerning a crime or catastrophe," if the licensee knows that the information is false, it is foreseeable that the broadcast will cause "substantial public harm" and such broadcast does, in fact, cause such harm to occur. Any programming "accompanied by a disclaimer" will be presumed not to pose foreseeable harm, if the disclaimer "clearly characterizes the program as fiction" and is presented in a reasonable manner under the circumstances. 7 FCC Rcd 4106 (1992).

By adopting this new rule the FCC did not intend to displace existing remedies for false programming and stated that the provisions of the new rule apply to both program and commercial matter.

The rule applies only to false reports of crimes and catastrophes and is not intended to restrict "harmless pranks."

The broadcast of an emergency signal other than at authorized instances is considered a false distress signal and may result in a fine. 10 FCC Rcd 1786 (1994).

AS WITH ALL OTHER REGULATIONS OF THE COMMISSION, THE LICENSEE IS HELD RESPONSIBLE FOR THE CONDUCT OF ITS EMPLOYEES.

Station Promotion and Contests

Station promotions and contests, by their very nature, call for a high degree of licensee supervision because they are designed to attract a large audience and carry the promise of a prize.[24]

The FCC has shown a strong interest in the manner in which contests and promotions are conducted by broadcast stations. FCC Rule 73.1216 states that:

> A licensee that broadcasts or advertises information about a contest it conducts shall fully and accurately disclose the material terms of the contest and shall conduct the contest substantially as announced or advertised. No contest description shall be false, misleading or deceptive with respect to any material term.

Under this rule, a contest includes any arrangement in which a prize is offered for award to the public. A prize can be anything of value: cash, refunds, negotiable instruments, securities, merchandise, services, tickets, trips, recording contracts, personal appearances, etc. Typically, the means of selecting a winner involve ability, skill, knowledge, chance, or similar factors or a combination of such factors. The rule applies to all contests conducted by the licensee and broadcast to the public.

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[24]The main distinction between a contest and a lottery is that the former generally has only two of the three ingredients (prize, chance and consideration) that constitute a lottery (see p. 96 infra.).

Licensee-conducted contests not advertised to the public are outside the scope of the rule. For example, the rule does not apply to sales contests among station employees because such contests are a private matter between the licensee and its employees.

The "material terms" of a licensee-conducted contest are those factors that are significant in defining the operation of the contest. They are the factors that affect the potential contestant's decision to participate in the contest and state how one enters and how one wins. This applies to tie-breaking procedure, as well.

Material terms should be stated whenever the station purports to set out the conditions or terms of the contest (whether on the air or in the other media), but need not be given in full with brief promotional announcements that do not purport to set out the conditions or terms of the contest.

It is the obligation of the licensee to make certain, from the beginning, that a contest does not mislead the audience. Thus, no contest description should be false, misleading or deceptive with respect to any material term. The information given should be clear and understandable. Video announcements should be: (1) in letters of sufficient size to be readily legible to an average viewer; (2) shown against a background which does not reduce their legibility; and (3) on the screen long enough to be read in full by the average viewer. Similarly, audio announcements should be understandable to the average listener. In addition, the nature of the station's audience should be taken into account. Licensees should, therefore, carefully review promotional material before its use to assure themselves that the material will be understood and not misconstrued by the station's audience.

The FCC has consistently imposed heavy fines where it found that a station had conducted contests that were rigged, deceptive, or misleading. In connection with such contests, the FCC has pointed out that a licensee's lack of knowledge of an improperly run contest is no excuse, because licensees are responsible for the acts of their employees and for all material broadcast over their stations. Furthermore, prearranging or predetermining the outcome of a supposedly fair contest with the intent to deceive the public is subject to criminal penalty under Section 508 of the Communications Act.

A misleading contest is one in which the station misrepresents the terms of the contest or its characteristics or overstates the amount that can be won. For example, where a station merely announced that the prize consisted of four-day vacations to various resorts without disclosing that round-trip transportation was not included, the FCC imposed a sanction against the licensee based on the opinion that the average listener would expect such transportation to be an integral part of the prize.

The FCC has listed a number of misleading practices relating to licensee-conducted contests that would raise serious questions concerning licensee responsibility. Such practices include the following:

- disseminating false or misleading information regarding the amount or nature of prizes;
- failing to control the contest to assure a fair opportunity for contestants to win the announced prize;
- urging participation in a contest, or urging persons to stay tuned to the station in order to win, at times when it is not possible to win prizes;
- failing to award prizes, or failing to award them within a reasonable time;
- failing to set forth fully and accurately the rules and conditions for contests on a continuing basis;
- changing the rules or conditions of a contest without advising the public or without doing so promptly;
- using arbitrary or inconsistently applied standards in judging entries;
- providing secret assistance to contestants or predetermination of winners;
- stating that winners are chosen solely by chance, when in fact chance plays little or no part;
- broadcasting false clues in connection with a contest; and
- conducting contests without adequate supervision.

Broadcasters should avoid, as a matter of licensee responsibility, the broadcasting of contests that:

- require participants to drive to a specified place in a very short time, causing traffic violations and endangering lives or

- lead listeners to choose names at random from the telephone directory and to call the persons listed at all hours of the day and night, causing great annoyance.

Section 508 of the Communications Act makes it illegal for any person, with intent to deceive the public:

- to supply to any contestant in a purportedly bona fide contest of intellectual skill any special or secret assistance whereby the outcome of such contest will be in whole or in part prearranged or predetermined;

- by means of persuasion, bribery, intimidation, or otherwise, induce or cause any contestant in a purportedly bona fide contest of intellectual knowledge or intellectual skill to refrain in any manner from using such knowledge or skill in such contest, whereby the outcome thereof will be in whole or in part prearranged or predetermined; or

- to engage in any artifice or scheme if the purpose of the scheme is to predetermine or prearrange in whole or part the outcome of a purportedly bona fide contest of intellectual knowledge, a purportedly bona fide contest of intellectual skill, or a purportedly bona fide contest of chance.

Because of the serious consequences that may result from improperly conducted promotions, broadcasters should:

1. scrutinize the copy to make sure it correctly states the elements of the contest;

2. impress on personnel the importance of fully airing the required copy and avoiding ad libs that may confuse the public or alter the terms of the promotion; and

3. maintain a file on each contest. The following are suggested items to be included in a contest file:

    - each contest or promotion broadcast by the station should have its own file;

    - the rules and eligibility requirements should be attached to one side of the folder;

- each prize awarded should be recorded in the file. A "receipt-release" form should be signed by the winner at the time the prize is awarded and the release placed in the folder;

- file any letters of complaint;

- the file should contain copies of all broadcast material pertaining to the promotion;

- place in the file copies of any layouts, ads, billboards or other media advertising used to promote the contest;

- the file should contain a notation verifying the dates and times on which the rules and regulations were broadcast. A complete rules announcement should be aired at different times during each day of the contest;

- if the station so desires and the winner is amenable, place in the file an agreement signed by the winner that would permit the station to use the winner's name in connection with the contest or in publicizing the contest; and

- obtain the winner's social security number in order to be able to comply with IRS regulations. See below.

IMPORTANT NOTES:

Whenever a licensee broadcasts a station-run contest in which a prize worth $600 or more is awarded, the station must file a 1099 MISC federal tax form. In addition, a 1099 MISC form is required for every person who wins an aggregate of $600 or more in station-conducted contests during any year. For example, a 1099 MISC must be filed for a person who wins a $600 prize and for one who wins two $300 prizes. Broadcasters must also file a 1096 MISC form, which is a transmittal form containing an itemization of all 1099s. The broadcaster's duty to file a 1099 MISC form applies only to station-sponsored contests, and not to promotions in which the licensee airs a paid advertisement for a nonstation-affiliated contest promoter. If the broadcaster is required to file a 1099 MISC form, the contestant's social security number should be obtained prior to awarding the prize, as it is necessary to report the winner's social security number on the tax form.

Depending on the nature of the identification of the prize, there may be a sponsor identification requirement involved in a promotion. If the mention or description goes beyond an identification that is "reasonably related" to use of the

item as a prize, an appropriate sponsorship identification must be broadcast (e.g., "prizes furnished by Apex Furniture in return for promotional consideration").

The following examples are illustrative of the situations that arise concerning sponsorship identification:

- A refrigerator is furnished by X for use as a prize on a give-away show, with the understanding that a brand identification will be made at the time of the award. In the presentation, the master of ceremonies briefly mentions the brand name of the refrigerator, its cubic content, and other features describing the prize. No sponsorship identification announcement must be made because the reference to the refrigerator is reasonably related to the use of the refrigerator on a give-away show in which the cost or special nature of the prize is an important feature of this type of program.

- If, in addition to the identification given in the previous example, the master of ceremonies says: "All you folks sitting there at home should have one of these refrigerators in your kitchen," or "Friends, you ought to go out and get one of these refrigerators," an appropriate sponsorship identification must be broadcast. Of course, if the station purchases prizes (without any special discounts), the sponsorship identification requirements would not apply.

A licensee should take all reasonable steps necessary to ensure that advertisements regarding contests conducted by others, but aired over its facilities, are not false, misleading or deceptive.

D. LOTTERIES

Although gambling or "gaming" has been part of society since time immemorial, governments have controlled that activity for a number of reasons. One of these reasons was the desire to eliminate undesirable side effects of gaming; another was to concentrate the gaming revenue in the hands of government. For whatever reason, the broadcasting of information regarding "games of chance" or lotteries is subject to detailed regulations by the FCC and other agencies. The FCC rules dealing with lotteries can be found, generally, in Section 73.1211 of the Rules.

What is a Lottery?

The traditional elements of a lottery are as follows:

1. Prize
2. Chance
3. Consideration

To constitute a lottery, all three elements must be present. If one element is missing, the activity is not a lottery under federal law, and under almost all state laws.

1. Prize

A prize is anything of value offered to the contestant. It is irrelevant what the prize is, how little its value may be, or whether the prize is in the form of a price discount or refund. If there is no prize, there can be no lottery.

2. Chance

The element of chance is present in contests or promotions when the prize is awarded to a person whose selection depends in whole or in part upon chance rather than upon the contestant's skill or other factors within the contestant's control. Generally, if the winner of a contest is determined solely on the basis of the contestant's skill or other factors within the contestant's control, or the entrant is allowed to research the answer to a question, the element of chance will not be present. If there is no chance, there can be no lottery.

Chance exists in promotions in which the winner is determined by drawing or wheel spinning; by being the fifth person to call the station; or by being at a given spot in a business establishment when a bell rings. Similarly, future predictions and any type of guessing contests involve chance.

NOTE: In a recent decision, the FCC staff provided a new interpretation of the element of chance as applied to certain promotions involving the offering of a full or partial refund of the purchase price for all purchasers if a particular, future event took place. Typical of such a promotion is one that requires participants to make a purchase before a given date and, if it snows an inch or more on New Year's Day (or some other variation of this theme), participants may bring their receipts to the retailer and receive a refund of the purchase price. This scheme contains all three elements of a lottery: consideration (the purchase price of the product); chance (whether it will snow); and prize (the purchase price refund). However, the FCC staff has reasoned that because *all* participants will receive either

a prize or no prize — with no exceptions — the promotion is like a "premium giveaway," which the FCC staff earlier had declared not to be a lottery. Letter to Susan Kassapian, February 1, 1996.

Most baby contests and beauty pageants have been held to involve the element of skill. However, it is important that the criteria upon which the judges base their decision be carefully delineated.

Finally, chance may be present in a contest that initially involved skill. This may occur when a contest operator fails to adopt, announce, or follow appropriate standards for judging the entries or selecting the winner, so that chance actually determines the outcome of a promotion. For example, if a "best slogan" contest is advertised, but the winner is actually selected by a drawing, the element of chance is present.

Value of Prize Determined by Chance

Even if the winner is not determined by chance, the element of chance will be present in promotions in which the amount of the prize is determined by chance. For example, everyone who purchases a certain product at a local supermarket is entitled to select a prize from a grab bag of prizes ranging in value from a few cents to several dollars. Because everyone is a winner, the winner is not determined by lot or chance, but the value of the prize is determined by chance. Thus, the promotion is a lottery. See Public Clearing House v. Coyne, 194 U.S. 497 (1904).

Tie-Breaking Procedures

A promotion plan that initially involves a participant's skill may later involve the element of chance if tie-breaking procedures are conducted on a random basis. For example, if six contestants tie in a "best slogan" contest that was based on writing skill, but a name is drawn out of the hat to break the tie, the element of chance would arise. Thus, the tie-breaking procedure should involve a further test of skill. However, the fact that a tie-breaking procedure is based on skill will not "purify" a promotion in which the initial winners are based on chance. For example, if a contestant is chosen by a drawing but is then required to answer a history question based on skill before receiving a prize, the contest would still be a lottery.

3. Consideration

Of the three elements necessary for a lottery, the element of consideration presents the greatest difficulties. Basically, consideration is any item of value — e.g., money, substantial time, or substantial energy — that a contestant must expend

in order to participate in a promotional plan. The FCC has stated that consideration is present in any contest or promotion that requires a contestant to: (1) "furnish any money or other thing of value"; (2) have in [his or her] possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast by a station; or (3) meet any other requirement that involves a substantial expenditure of time and effort by the contestant. (FCC Rule 73.1211(b)). If there is no consideration, there can be no lottery.

a) Payment Necessary to Participate — Substitution of "Reasonable Facsimile" for Proof of Purchase

Determining whether money is paid to enter a promotion usually presents no problem. However, it is very important to note that in a contest or promotion in which a contestant must make a purchase in order to participate, the purchase price constitutes a payment of money and, therefore, consideration. The U.S. Supreme Court has ruled that the fact that a purchaser receives the full value for money paid in making a purchase in order to participate in a contest does not eliminate the presence of consideration. Horner v. United States, 147 U.S. 449 (1893).

If the product is furnished to the contestant at no cost by the sponsor as part of the promotion, possession of the product will not constitute consideration. Additionally, the U.S. Postal Service, which also has the power to enforce certain federal lottery laws, has noted a general exception to this rule in contests that require evidence of purchase with each entry (e.g., submission of box top or label). If a participant may enter a contest by submitting a plain piece of paper that contains the name of the product or some other specified term, or if the entrant may submit a reasonable facsimile of the box top, label, entry blank, etc., consideration may not be present. Facsimiles must be simple to create, and the information to be included thereon must be supplied in the advertisements for the contest. A complete description of the rules of entry should also be included in the contest advertisements.

b) Purchasers and Nonpurchases on Equal Ground; Availability of Entry Blanks

Entry slips may be distributed with purchases if the contest provides an alternate means for obtaining an entry blank so that a contestant may participate without making a purchase. The FCC has emphasized that the nonpurchaser must not be disadvantaged in any way and that free entries must be available on a basis equal to that enjoyed by contestants who make a purchase. Placing entry slips that are freely available to nonpurchasers in front of the counter places buyers and nonbuyers on equal ground and is permissible. This may not be the case, however,

if entry blanks are placed behind the counter because this may discourage non-purchasers from entering the contest without making a purchase.[25]

c) Expending a Considerable Amount of Time and Effort as Consideration

Expending substantial time and effort in order to enter a contest is a form of consideration. For example, requiring that an entrant test drive a vehicle in order to enter a car dealer's promotion is consideration.

Broadcasters can rely on several definitive rulings when determining whether consideration is present. For example, the U.S. Supreme Court has ruled that simply listening to or viewing a program does not constitute consideration. FCC v. American Broadcasting Co., Inc., 347 U.S. 284 (1954). Also a federal court of appeals has ruled that the mere act of going to a store solely for the purpose of picking up a card in order to participate in a promotion does not constitute consideration. Caples Co. v. United States, 243 F.2d 232 (D.C. Cir. 1957). The U.S. Postal Service has stated that if a participant is required to visit the store to obtain an entry blank and also be present for subsequent scheduled drawings, consideration would not be present. However, if the participant's presence is required to win, the time of the drawing must be preannounced and the drawing held on time. If the drawing is delayed or held at an unannounced time, thus requiring the continuous presence of the contestant, a substantial expenditure of time and effort will occur, and consideration will be present. Furthermore, the fact that contestants are required to travel great distances in order to participate may amount to consideration in the form of substantial time and effort. For example, if entry blanks may be obtained at the local supermarket, no consideration is present. However, if contestants are required to attend a drawing in a remote, mountainous area, this would yield a different result.

In 1995, the Commission's staff ruled that a requirement for a person to drive 90 miles from New Orleans, Louisiana, to Biloxi, Mississippi, in order to participate in a promotion that had both the elements of a prize and chance, did not add the necessary element of consideration to turn the promotion into a lottery. Taking "an hour or two of the entrants' time" did not supply the consideration required by the lottery rules. The costs of the 90-mile trip, e.g., gasoline, did not go to the promoter of the enterprise but to a third party (the filling station) and,

[25]Concerning bottle cap contests (where the inside of bottle caps determine the winner), the FCC has indicated that the element of consideration is eliminated where a person may obtain, by mail or by visiting a bottling plant's facility, six free bottle caps per letter or visit.

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under the rationale of Greater Indianapolis (see below) did not constitute consideration. 10 FCC Rcd 3804 (1995).

d) Eligibility Requirements

Certain eligibility requirements, by their very nature, constitute consideration. For example, requiring a contestant to be a savings account holder in order to be eligible to participate in a bank promotion is a form of consideration. This is because the deposit of money into a savings institution for an indeterminate period of time is an item of sufficient value. However, other eligibility requirements, such as possession of a driver's license, residing in a particular area, attaining the age of 18, or calling from a telephone that has a certain exchange, do not present problems of consideration.

e) Consideration Must Flow to the Promoter

No lottery exists if there is no flow of consideration from the contestant to the promoter or co-promoters of the contest. The following example will illustrate the concept. An automobile dealer, as part of a display at a county fair, conducts a drawing and awards a new car to the winner. To enter, a person must visit the dealer's display at the fair and fill out a free entry blank. Everyone must purchase an admission ticket to enter the fair, but the automobile dealer will receive none of the revenues from the sale of admission tickets. This contest will not be considered a lottery because even though the contestants must pay to enter the fair, the consideration does not flow directly or indirectly to the automobile dealer, who is promoting the drawing.

Similarly, when a radio station broadcasts a contest in which the winner will be determined solely on the basis of a random drawing from golf scorecards mailed to the station, no consideration exists, although the contestants must pay a greens fee or country club membership in order to obtain a scorecard and play a round of golf. This is so because the contestants paid no money (consideration) to the radio station in order to enter the contest. Had the golf course co-sponsored the contest, consideration would flow from the contestants to a co-promoter, and a lottery would exist. See Greater Indianapolis Broadcasting Co., Inc. (WXLW), 44 FCC 2d 37 (1973).

If a station sponsoring a raffle receives no consideration but rather donates all proceeds to charity, then under the FCC's ruling in Greater Indianapolis Broadcasting, there is no lottery. But ALL proceeds must go to the charity. If the station keeps a portion of the proceeds to defray costs, for printing, compensation, prizes, etc., a lottery exists. The charity or third party to whom the consideration flows must NOT be a promoter or sponsor of the promotion or participate in its

operation in any way. See In Re Smith Broadcasting Co., Inc., 87 FCC 2d 1132 (1981).[26]

Fishing Contests

Certain fishing contests have been specifically exempted from the federal prohibition on broadcasting lotteries. 18 U.S.C. 1305 (1982). However, this exemption only applies where "the fishing contest is a self-liquidating type of undertaking, whose receipts are fully consumed in defraying the actual costs of operation and are not intended or used for any other collateral purpose such as establishment of a fund for civic, philanthropic, or charitable objects, no matter how benevolent or worthy." Any fishing contest conducted for the profit or personal gain of any individual or organization is not exempt from the federal law prohibiting the broadcast of lottery information.

STATE LOTTERY LAWS VARY. BEFORE ACCEPTING ANY MATERIAL INVOLVING CONTESTS OR PROMOTIONS, STATIONS SHOULD CHECK WITH LOCAL COUNSEL TO ASSURE COMPLIANCE WITH LOCAL LAWS.

E. STATE-CONDUCTED LOTTERIES AND STATE LOTTERY LAWS

Effective May 7, 1990, the Commission amended its lottery rules to conform to the provisions of the Charity Games Advertising Clarification Act of 1988. As of that date, broadcasters are permitted to advertise lotteries authorized or not otherwise prohibited by the state in which the lotteries are conducted if they are held by: (1) not-for-profit organizations; (2) governmental organizations; or (3) commercial entities, provided the lottery is clearly occasional and ancillary to the primary business of the commercial organization. Broadcasts of advertisements of state-conducted lotteries will be permitted only if these lotteries are allowed by the station's state, and may be on behalf of the home state or any other state that has a state-operated lottery.

Broadcasts concerning lotteries conducted by governmental organizations or not-for-profit organizations and promotional lotteries will be permitted in any state, whether lotteries are authorized in that state, so long as they are lawful in the state in

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[26]See also letter dated November 4, 1987, to NAB from Complaints and Investigation Branch, Enforcement Division, FCC. This letter provided the above reference clarification regarding promotions where all proceeds go to third party beneficiaries.

which they are conducted. Thus, different standards apply to "state-conducted lotteries" and lotteries conducted by other governmental organizations and nonprofit organizations.

A not-for-profit organization is "any organization that would qualify as tax exempt under Section 501 of the Internal Revenue Code of 1986."

The new federal law permits lottery promotions by commercial businesses when these promotions are conducted as a sideline and the state where the business is located does not prohibit the ads. Thus, advertising an occasional lottery conducted by the local supermarket would be acceptable so long as such advertising does not violate state law. Care should be taken to control frequent lotteries by the same sponsor. The gaming activities of certain Las Vegas-type gambling casinos, whose main business is gambling, are specifically excluded from the relaxed regulations. 5 FCC Rcd 3019 (1990).[27]

In resolving the apparently confusing set of rules, the broadcaster should remember that a state-operated lottery can be promoted only if the station's home state permits state-operated lotteries. Lotteries of other activities can be promoted if the home state of the activity permits the activity.

Following the 1988 amendments to the lottery law, a federal district court ruled that a station located in North Carolina (which does not have a state lottery) near the Virginia border (which has a state lottery) could not be prevented from carrying advertisements for the Virginia Lottery. Such a prohibition, the lower court ruled, "is constitutionally invalid." Edge Broadcasting Co. v. United States, 732 F.Supp. 633, 646, (E.D. Va 1990). On further appeal, the U.S. Supreme Court upheld the validity of the law in question. United States v. Edge Broadcasting Co., 113 S.Ct. 2696 (1993). The High Court held that "the Constitution affords a lesser protection to commercial speech than to other constitutionally guaranteed expression." It also held that the law advanced the governmental interest of North Carolina in protecting its citizens from the activities in Virginia that were not legal in North Carolina.

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[27]However, in Valley Broadcasting Company v. United States, 820 F.Supp. 519 (D.Nv. 1993), the U.S. District Court for Nevada ruled that the FCC ban on the advertising of casino gambling over stations located in Nevada, where such gambling is legal, is a violation of the stations' constitutionally protected free speech. An appeal of this decision is pending. (See p. 105 infra. for further discussion of casino gambling).

F. INDIAN GAMING

Another change in the lottery rules took place, effective June 14, 1989, when the Commission amended its broadcast and cable rules (FCC Rule 73.1211 and FCC Rule 76.213) to conform to the newly enacted Indian Gaming Regulatory Act (P.L. 100-497). The new rules now permit the carrying of lottery information under the following circumstances:

1. the game is conducted on Indian lands;

2. the game is operated by an Indian tribe or grandfathered pursuant to federal law;

3. the game is permitted by law in the state where it is held; and

4. in the case of games where the participants "play against the house" instead of essentially against each other (e.g., blackjack, baccarat, slot machines), the tribe and the state have entered into a compact to permit such games, and all requirements of the compact have been met.

Generally, there are three classes of Indian gaming permitted under the Commission's regulations. These are as follows:

1. Class I includes games of chance that are played for prizes of minimal value or are part of tribal ceremonies or traditional celebrations;

2. Class II games include bingo or lotto; and

3. Class III games include casino gambling — craps, roulette, slot machines, baccarat and blackjack. Advertising of Class III gaming is permitted if the gaming is conducted on tribal lands in accordance with state law, and there is a compact between the tribe and the state in effect that has been approved by the Department of the Interior.

The National Indian Gaming Commission has published detailed regulations concerning various forms of games on Indian lands (25 CFR 501 et seq.).

The above description is general in nature. The National Indian Gaming Commission's regulations are very detailed. Broadcasters are strongly urged to contact their own counsel or the National Indian Gaming Commission

(1441 L Street, NW, 9th Floor, Washington, DC 20005, (202) 632-7003) for detailed instructions.

G. ADVERTISING CASINOS

Federal law strictly regulates advertisements by or on behalf of casinos. It is the opinion of the FCC staff that, under these federal restrictions, any video depiction of or audio reference to, gambling activities that take place in a casino are unacceptable in commercials for hotels with casinos, even though the operation of casinos may be legal under state law.

The FCC staff's interpretation similarly would apply to broadcast commercials for airlines, travel agents, governmental tourism bureaus, etc., depicting specifically identified casino gambling activities or reference to such activities, no matter how brief or fleeting the depiction or reference.

The advertising of hotels with casinos may focus upon nongambling activities and facilities available at the hotel. These could include, for example, restaurants, floor shows, lounges, shops, sports facilities, types of room accommodations, etc.

If the word "casino" is part of the actual name of the hotel, it may be included in broadcast advertising when the full name of the hotel is stated or shown as in "Rex's Hotel & Casino."

On April 13, 1993, the U.S. District Court in Nevada[28] held that the prohibition against broadcasting lottery information, as applied to casino gambling in Nevada (where such gambling is legal) violated the First Amendment rights of the stations. Pending the resolution of any appeal, on June 2, 1993, the Commission announced that it "will not enforce the ban on the broadcast of advertisements or information concerning legal casino gambling to stations licensed to communities in Nevada." 8 FCC Rcd 4125 (1993). Thus, until further action, the ban against casino advertising applies to the rest of the country. In 1995, the Court of Appeals upheld the constitutionality of the ban of casino advertising. Greater New Orleans Broadcasting Association v. United States, 69 F.3d 1296 (5th Cir. 1995) pet. cert. pend. 95-1708.

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[28]Valley Broadcasting Company v. United States, 820 F.Supp. 519 (D. Nv. 1993), app. pend.

H. BROADCASTS DURING EMERGENCIES

By public notice on September 27, 1990, the FCC reminded television licensees that:

> If a television station broadcasts any emergency information, that is, information which is of timely decisional value to the public in furthering the safety of life and property, it must present the information visually and may present it aurally as well. Stations may use any method of visual presentation which results in a legible message conveying the essential emergency information. Methods which may be used include, but are not necessarily limited to, electronic captioning, manual methods (hand printing), slides or mechanical printing processes. The use of sign language or symbols may be used to supplement, but not supplant, the other methods because not all persons with impaired hearing understand sign language.

The obligation to provide visual displays is incurred whenever emergency information is broadcast. The obligation is not limited to those instances in which the Emergency Broadcast System (EBS) or the Emergency Alert System (EAS) is formally activated, a request is received from a government official, or the information is specifically identified as an emergency announcement. Furthermore, the obligation cannot be avoided because the emergency information is broadcast during a regularly scheduled program or is characterized as news or public affairs. It is the act of transmitting emergency information that triggers the rule.

For information regarding EBS/EAS operations, see p. 201.

I. VIOLENCE ON TELEVISION

Responding to public concern about the proliferation of violence on television, Congress passed the Television Violence Act of 1989, which was signed into law in December 1990.

Championed by Sen. Paul Simon of Illinois, the Act granted a three-year exemption from the antitrust laws for certain "persons in the industry" to cooperate in the development of voluntary guidelines to alleviate the purported negative effects of violence in broadcast, cable, or satellite-distributed video programming.

In December 1992, the three television networks issued a Statement of Principles concerning the depiction of violence in television programs. According

to the statement: (1) depictions of violence should be relevant to character development or to advancement of the theme or plot; (2) violence should not be depicted as glamorous; (3) "scenes showing excessive gore, pain, or physical suffering" are not acceptable; (4) consequences of violence should be depicted; and (5) "the portrayal of dangerous behavior which would invite imitation by children ... should be avoided."

The 1996 Telecom Act, after making findings regarding the influence of TV violence on children, requires that television sets with picture screens 13 inches or larger be equipped with a feature to enable viewers to block display of all programs with a common rating. The "V-Chip" requirement applies to all sets manufactured one year after the Act becomes effective, regardless of the place of manufacture.

The Act looks toward the establishment of a Television Rating Code that would provide the ratings to be applied by the V-Chip. It also requires the FCC to obtain from television renewal applicants information concerning complaints regarding programs that the complainant has characterized as violent. See p. 16 supra.

The deadline for effectuating the V-Chip requirement is two years after the enactment of the Act. (Telecom Act Sec. 551).

The television renewal license is being modified to require stations to report on public complaints regarding violent programs.

J. CHILDREN'S TELEVISION

On April 9, 1991, the FCC adopted a Report and Order implementing the Children's Television Act (CTA) of 1990. 6 FCC Rcd 2111, rec. granted in part 6 FCC Rcd 5093 (1991). Stating its belief that station performance has not been "consistent with the objectives underlying the CTA, in March 1993, the Commission instituted a Notice of Inquiry (MM Docket 93-48) seeking to provide "clearer guidance to licensees and to facilitate renewal review by the Commission . . . ."

On August 8, 1996, the Commission adopted a Report and Order further clarifying and defining the licensee obligations, including a more specific definition of qualifying programming and a quantitative processing guideline. (FCC 96-335).

Overview of the New Rules

The Commission adopted a more specific definition of "specifically designed educational and informational programming," also known as "core programming," which is defined as regularly scheduled, weekly programming of at least 30 minutes in length, aired between 7 a.m. and 10 p.m., that has serving the educational and informational needs of children as a significant purpose. The program must also be identified as core programming at the beginning of the program, and in a manner and form of the broadcaster's choosing, and in information provided to program guide publishers, and must be listed in the children's programming report placed quarterly in the broadcaster's public file. In determining whether a program has a significant purpose of educating and informing children, the Commission will ordinarily rely on the good faith judgments of broadcasters, and will evaluate compliance of individual programs only as a last resort.

The Commission adopted a processing guideline under which a broadcaster can receive staff-level approval of its renewal application by checking a box on its renewal application and providing supporting information indicating that it has aired at least three hours per week of regularly scheduled, weekly shows that are 30 minutes or longer and that otherwise meet the definition of "core programming." Alternatively, a broadcaster can receive staff-level renewal by showing that it has aired a package of different types of educational and informational programming that, while containing somewhat less than three hours per week of core programming, demonstrates a level of commitment to educating and informing children that is at least equivalent to airing three hours per week of core programming. Licensees not meeting these criteria will have their applications referred to the Commission, where they will have a full opportunity to demonstrate compliance with the CTA, by relying in part, for example, on sponsorship of core programs on other stations in the market that increases the amount of core educational and informational programming on the station airing the sponsored program and/or on special nonbroadcast efforts that enhance the value of children's educational and informational programming.

Commercial television stations must file in their public inspection files, on a quarterly basis, a Children's Television Programming Report on FCC Form 398 reflecting their efforts during the preceding quarter, and efforts planned for the next quarter, to serve the educational and informational needs of children. The report for each quarter is to be filed by the 10th day of the succeeding calendar quarter. The report must identify the licensee's educational and informational programming efforts, including programs aired by the station that are specifically designed to serve the educational and informational needs of children, and it must explain how programs identified as core programming meet the definition for such a program. The report must include the name of the individual at the station responsible for collecting comments on the station's compliance with the Children's Television Act,

and it must be separate from other materials in the public inspection file. Licensees must publicize in an appropriate manner the existence and location of these reports and must file with the Commission on an annual basis, e.g., four quarterly reports filed jointly each year, preferably in electronic form. These reports must be filed with the Commission on January 10, 1998, January 10, 1999, and January 10, 2000.

The newly adopted regulations do not affect other existing rules such as commercial limits, program length commercials, etc.

1. Commercial Limits

The Children's Television Act requires that the Commission review at renewal time the extent to which television licensees have met the hourly commercial time limits of 10½ minutes on the weekend and 12 minutes during the week.

a) Children's Programming

The FCC Rules on commercial limits apply to programs "originally produced and broadcast primarily for an audience of children 12 years old and under." This definition excludes programs originally produced for a general audience that are significantly viewed by children. It also excludes programs intended for a teenage audience.

b) Commercial Matter

The Commission defined "commercial matter" as "air time sold for purposes of selling a product," in keeping with common parlance and generally understood practice. Commercial matter includes advertising for services, as well as for products. PSAs sponsored by nonprofit organizations and promoting not-for-profit activities will not be considered commercial matter.

The Commission has excluded from the definition of commercial matter air time sold for the presentation of educational and informational material, including spot announcements in which the sponsorship mentions "sponsored by." The visual appearance of a sponsor's standard logo during such identification will not turn the material into commercial matter as long as the logo appears when the sponsor is verbally identified and lasts only as long as the required sponsor identification. However, the addition of product mentions or advertising to such an identification announcement would constitute commercial matter. 6 FCC Rcd 1020 (1991).

c) Clock Hour Rule

The Commission will "count" commercial minutes by clock hour, rather than by program segment. Commercials in adjacent positions immediately outside a program's clock hour will not be attributed to that hour.

Where a half-hour "island" of children's programming appears in the midst of general programming, the hourly limits should be applied on a proportionate basis. The commercial limits are to be prorated and applied to program segments of five minutes or longer. The commercial time within an hour of "children's programming," even where there are two or more separate programs within the hour, can be assigned in any configuration.

d) Cable

The commercial limits apply to both television broadcast stations and to cable operators. Cable network programming is included in the time limits for which cable operators will be responsible.

e) Commercial Limits Record-keeping and Reporting

Licensees will be required to certify compliance with the commercial time limits at renewal time and explain all instances where they have exceeded the limits. They will further be required to maintain records "sufficient to verify compliance with the commercial limits" and to "substantiate the broadcaster's certification of compliance at renewal time." These records must be made available to the public in the public inspection file.

Stations may keep program logs to meet the record-keeping requirement, but they are not obliged to. Tapes of children's programs, so long as they are made available for viewing by the public, will satisfy the requirement. In addition, the following types of documentation will also satisfy the record-keeping requirement: (1) lists of the number of commercial minutes per hour aired during identified children's programs; or (2) certified documentation that the station and/or network/syndicator, as a standard practice, formats and airs identified children's programs within the statutory limits of commercials, together with a detailed listing of any overages. Documentation must identify the specific programs that the broadcaster believes are subject to the commercial limits.

Broadcasters may rely on network records or other information, so long as such records meet the above standards.

These commercial records must be placed in the station's public file no later than the 10th day of the quarter following the quarter in which the programs are aired.

2. Program-Length Children's Commercials

The 1991 Order defines a program-length commercial (PLC), as a program associated with a product in which commercials for that product are aired.

The Commission has held that broadcasting commercials for an ice show during a cartoon featuring two of the characters in the ice show constituted a program-length commercial even though the commercial featured other characters. 10 FCC Rcd 10986 (1995).

3. Penalties

The Commission will assess forfeitures for violations of the rules if violations are "willful or repeated."

The Commission has taken a very strong stand against stations that have exceeded the time limitation for commercial matter in children's programming and has assessed substantial forfeitures in those instances that are not de minimis. 8 FCC Rcd 7890 (1993); 8 FCC Rcd 7886 (1993); 8 FCC Rcd 7884 (1993).

Violations of the Act will be considered along with a licensee's overall performance in determining whether it is entitled to a renewal. The Commission may impose reporting requirements, forfeitures, short-term renewals or other sanctions and may take violations into account in determining the weight of a station's renewal expectancy.

4. Programming

a) Statutory Requirement

The Children's Television Act of 1990 requires each licensee to serve the educational and informational needs of children in its overall programming, including programming specifically designed to serve such needs.

b) Definitions

Under the 1996 Report and Order (FCC 96-335), the "educational and informational programming" that TV licensees are required to air is defined as "any television programming that furthers the educational and informational needs of

children 16 years of age and under in any respect, including children's intellectual/cognitive or social/emotional needs."

To meet the definition of "specifically designed" educational and informational programming, or "core programming," the show must have a "significant purpose" of serving "educational and informational" needs of children. Although such programming must be "specifically designed" to meet those needs, that term does not mean that the programs cannot also have entertainment as a significant purpose. Core programming must also be regularly scheduled, weekly, 30 minutes or longer, aired between 7 a.m. and 10 p.m., identified as educational and informational at the beginning of the program and in information provided to program guides.

The Commission will not credit educational and informational PSAs, other short programs or specials as core programming. Shorter segments and specials, although not counted as core programming, may be used to meet the three-hour processing guideline when "broadcasters air somewhat less than three hours per week of core programming," so long as they have a "significant purpose" of educating and informing children ages 16 and under.

5. Processing Guidelines

The Mass Media Bureau will be authorized to approve the Children's Television Act portions of a broadcaster's renewal application where the broadcaster has aired three hours per week (averaged over a six-month period) of educational and informational programming that has a significant purpose serving the educational and informational needs of children ages 16 and under. A broadcaster can demonstrate that it has aired three hours per week of such programming in either of two ways:

> (a) by checking a box on its renewal application and providing supporting information indicating that it has aired three hours per week of regularly scheduled, weekly shows that are 30 minutes or longer and that otherwise meet the definition of core programming; or
>
> (b) by showing that it has aired a package of different types of educational and informational programming that, while containing somewhat less than three hours per week of core programming, demonstrates a level of commitment to educating and informing children that is at least equivalent to airing three hours per week of core programming.

Renewal applications that do not meet this guideline will be referred to the Commission, where the applicant will have a full opportunity to demonstrate compliance with the CTA by, for example, relying in part on sponsorship of core educational and informational programs on other stations in the market that increases the amount of core educational or informational programming on the station airing the sponsored program and/or on special nonbroadcast efforts that enhance the value of children's educational and informational television programming.

Licensees who are referred to the Commission will have an opportunity to show "that they have satisfied their Children's Television Act obligations in other ways." The Commission will consider special nonbroadcast efforts "only in addition to consideration of the licensee's [educational and informational] programming."

6. Public Inspection File

Stations will be required to file on a quarterly basis a standardized Children's Educational Television Report (Form 398), designed for electronic filing, that will list not only the educational programs that it has carried in the preceding quarter but also "request information on educational programs that the station plans to air in the next quarter." The reports must identify the name of the individual at the station responsible for collecting comments on the station's children's programming.

These reports are to be maintained separately from other material contained in the public inspection file.

During an experimental period of three years, stations will be required to file these quarterly reports on an annual basis (four reports at a time) on January 10, 1998, January 10, 1999 and January 10, 2000.

7. Effective Date

The rules regarding on-air identification, program listings, public file and reporting requirements will become effective January 2, 1997, subject to OMB approval. The newly adopted definition of programming will become effective on September 1, 1997.

All the provisions will be applied on a prospective basis. Thus, renewal applications filed earlier than September 1, 1997, will be assessed for compliance with the program-related provisions of the CTA based exclusively on the rules and criteria set forth in the 1991 CTA rulemaking proceeding. In the 1991 proceeding,

the FCC stated that licensees will be expected to "air some educational and informational programming 'specifically designed' for children 16 years of age and under in order to satisfy our renewal review," and defined educational and informational programming as "any television programming which furthers the positive development of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs." "The FCC has stated that it will continue to follow these general standards in assessing the CTA programming performance of renewal applicants filing prior to September 1, 1997.

Beginning September 1, 1997, the FCC will begin to evaluate renewal applications to determine the extent to which licensees are providing educational programming that complies with the new definition of core programming using the new processing guideline. In this renewal cycle (i.e., for applications filed through April 1999) such renewals will cover licensee performances that both predate and postdates these new rules. Licensee performances during the term that predates the relevant effective dates will be evaluated under existing standards and performance that postdate the rules will be judged under the new provisions. As a practical matter, the new program-related provisions will apply to a relatively small portion of the license terms for renewal applications filed in the current renewal filing cycle after September 1, 1997.

THUS, THE NEW DEFINITION AND PROCESSING GUIDELINES WILL APPLY FOR THE FIRST TIME TO TV STATIONS WHOSE RENEWAL APPLICATIONS ARE DUE TO BE FILED BY OCTOBER 1, 1997.

Insofar as noncommercial stations are concerned, the Commission stated "We will continue to exempt noncommercial television licensees from children's programming reporting requirements. . . . and we will also exempt them from the other public information initiatives we adopt today." (FCC 96-335, released August 8, 1996, at footnote 119).

NEWS AND NEWSGATHERING

The broadcast of news often involves a sense of urgency and immediacy. Special care must be exercised to avoid violating restrictions imposed on the contents of the program, its presentation and sources.

A. DEFAMATION

What is Defamation?

Defamation is the publication of a false factual statement about the complaining party tends to harm the complainant's reputation. It must be the result of the defendant's fault (although the degree of fault depends on the object of the statement), must cause some harm to the plaintiff, and must not be privileged under the law.

Like all statements of legal principles, this statement, too, is subject to varying interpretations, emphasis and exception. In matters of public concern, where suit is brought against a media defendant, the plaintiff has the burden of proving the falsity of the statement. Philadelphia Newspapers Inc. v. Hepps, 475 U.S. 767 (1986). The statement in contention must be a verifiable statement of fact ("under the First Amendment there is no such thing as a false idea") Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974).

Because many reporters have become accustomed to the old view that "opinion" is protected against defamation claims, we are setting forth at some length the holdings of the Supreme Court in Milkovich v. Lorain Journal Co., 497 U.S. 1 (1990) which has, for all practical purposes, eliminated the federal constitutional defense of "opinion" in defamation suits.

In Milkovich, a newspaper published a column implying that Mr. Milkovich, a coach of a high school wrestling team, had lied under oath during an investigation of a fight in which his team was involved. The coach sued the newspaper alleging that the column had accused him of the crime of perjury. The Ohio courts held that the column represented "constitutionally protected opinion" and that the newspaper was immune from suit.

In reversing the state court, the Supreme Court ruled that so-called opinion statements do not represent constitutionally protected speech. The court stated:

> If a speaker says, "In my opinion John Jones is a liar," he implies a knowledge of facts which leads to the conclusion that Jones told an untruth. Even if the speaker states the facts upon which he bases his opinion, if those facts are either incorrect or incomplete, or if his assessment of them is erroneous, the statement may still imply a false assertion of fact. Simply couching such statements in terms of opinion does not dispel these implications; and the statement, "In my opinion Jones is a liar," can cause as much damage to reputation as the statement, "Jones is a liar."

After reciting a number of existing safeguards to the freedom of speech, the court ruled:

> We are not persuaded that, in addition to these protections, an additional separate constitutional privilege for "opinion" is required to ensure the freedom of expression guaranteed by the First Amendment. The dispositive question in the present case then becomes whether or not a reasonable factfinder could conclude that the statements in the Diadium column imply an assertion that petitioner Milkovich perjured himself in a judicial proceeding. We think this question must be answered in the affirmative.

It should be stressed that the Supreme Court did not rule that the newspaper had defamed the coach. The Court merely ruled that the newspaper could not use the "opinion" defense as a bar to Mr. Milkovich's action. It must be noted that this Supreme Court ruling does not affect the other traditional defenses to defamation claims.

Public figures and public officials (e.g., celebrities, cabinet members) must prove that the defendant published the allegedly defamatory statement with actual malice, that is with the knowledge that the statement was false or with a reckless disregard for the truth. New York Times v. Sullivan, 376 U.S. 254 (1964). The definition of "public figure" has been extensively litigated, and has been extended to such positions as a physical education teacher or a vice-president of a school board. Strong v. Oklahoma Publishing Co., 899 P.2d 1185 (1995).

Private figures must only show that the defendant did not act in a reasonably prudent manner in publishing the story.

There are varying standards applied in different states and great care must be taken to avoid a potentially substantial liability.

It should be noted that many jurisdictions provide absolute protection to the fair reporting of court proceedings, city council actions and other similar public hearings.

Because defamation cases often deal with the choice of words and their meaning, a decision by the Supreme Court of Michigan may shed some light. In that case, the court ruled ". . . if technical and common parlance yield different interpretations of the same word, the constitutionally required breathing space affords protection to the writer's choice." Rouch v. Enquirer News, 487 N.W.2d 205 (1992).

B. INVASION OF PRIVACY

Privacy in its simplest form is the "right to be left alone." Over the years, the courts and legislatures have evolved criteria defining that right. There are four major aspects comprising the law of privacy.

1. Intrusion upon the Seclusion or Solitude

Private homes and other premises in which a person expects to be protected from the public eye cannot be entered without consent. There is a division of authority on the question of whether reporters who accompany police onto private property are barred under this principle.

Acts and activities taking place on the street or other public places are not protected from reporting because the courts assume that no one expects privacy on a public thoroughfare. However, even this rule is subject to exceptions. Thus, a picture of a woman's dress being blown above the waist by a gust of wind is protected.

2. Disclosure of Embarrassing Private Facts or Publicity to Private Life

Taken against the general principle of the public's right to know are certain principles of law that are currently undergoing legal and legislative re-evaluation as a result of the rise of "tabloid journalism" and "docudramas."

As a principle, a party is protected against the highly offensive disclosure of private, previously unknown facts that are not of public concern. Not covered by this protection are matters of public record, dates of marriage, death, birth, departure from the country, etc.

Public figures enjoy a lesser degree of protection against the disclosure of private matters of legitimate public concern, and reporting may go beyond the area of activity that turned these figures into "public figures."

Persons who are thrust into the public light — crime victims, for example — are deemed to be persons of legitimate public interest and facts may be revealed that go beyond the incident that thrust them into the news.

While a number of newsgathering organizations have self-imposed codes regarding the identification of rape victims, there has been a growing number of suits arising out of the identification of such victims.

In the classic case, Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975), the Supreme Court was faced with a right of privacy action arising out of the identification of a rape victim's name during the reporting of the trial. Georgia law made it a misdemeanor and a basis for civil liability to broadcast a rape victim's name. The court ruled that the First Amendment barred the state from forbidding the accurate publication of a rape victim's name obtained from judicial records that are maintained in connection with a public prosecution and that, themselves, are open to public inspection. Freedom of the press provided by the First and Fourteenth Amendments prevents the state from making the broadcast the basis for civil liability in a cause of action for invasion of privacy.

The court held the interest of privacy fades when the information involved already appears on public record.

In 1989, in The Florida Star v. B.J.F., 491 U.S. 524 (1989), the Supreme Court reversed the award of damages for invasion of privacy to a rape victim whose name was obtained from a police record that had listed her name. Unlike the previous case, there had been no arrest or trial of a suspect — and the newspaper had a policy of not publicizing the names of sexual assault victims. The court recognized the public policy of protecting rape victims but concluded that:

> . . . where a newspaper publishes the truthful information which it has lawfully obtained, punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the highest order, and that no such interest is satisfactorily served by imposing liability to appellant under the facts of this case.

Following these decisions, the court has ruled that "when police are called, a private disturbance loses much of its private character," Scheetz v. The Morning Call, Inc., 946 F.2d 202 (3rd Cir. 1991), and that:

> The First Amendment forbids the imposition of civil liability in a privacy action based on the truthful publication of matters contained in open judicial proceedings. The news media have a significant role in our system of justice by subjecting trials to public scrutiny in order to ensure that trials are fair.
>
> The First Amendment protects the reporting of private facts when revealed in connection with newsworthy matters. A publication which is factually accurate is not tortious when connected

with a newsworthy event, even though it may otherwise be offensive to ordinary sensibilities.[29]

A recent appellate court expression on the disclosure of the name of a sexual assault complainant is the result of the celebrated William Kennedy Smith trial. The Florida Court of Appeals has ruled that a state law barring the identification of the alleged victim by printing, publishing or broadcasting "in any instrument of mass communication," is unconstitutional. State v. Globe Pub. Co., 622 So.2d 1066, (Fla. App. 1993).[30]

In an invasion of privacy case in which the newspaper did not publish the assault victim's name but published sufficient details[31] to make the victim identifiable to her friends, the Texas Supreme Court held for the newspaper and stated the following:

> Newspapers and other media should take precautions to avoid unwarranted public disclosure and embarrassment of innocent individuals who may be involved in otherwise newsworthy events of legitimate public interest. But it would be impossible to require them to anticipate and take action to avoid every conceivable circumstance where a party might be subjected to the stress of some unpleasant or undesired notoriety without an unacceptable chilling effect on the media itself. Facts which do not directly identify an innocent individual but which make that person identifiable to persons already aware of uniquely identifying personal information, may or may not be of legitimate public interest. To require the media to sort through an inventory of facts, to deliberate, and to catalogue each of them according to their individual and cumulative

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[29]In the Scheetz case, the plaintiff herself disclosed the allegations of spousal assault to the police and the court concluded that she "could not reasonably expect the information to remain secret."

[30]In a civil action for common law invasion of privacy by a sexual assault victim who killed the assailant and whose name was published by a newspaper, the Georgia Supreme Court upheld the newspaper because plaintiff "became the object of legitimate public interest." Macon Telegraph Publishing Company v. Tatum, 436 S.E.2d 655 (1993).

[31]Age, general area of residence, ownership of a Jaguar auto, ownership of a travel agency, ownership of a home security system, etc. The information was obtained from public records.

impact under all circumstances, would impose an impossible task; a task which foreseeably could cause critical information of legitimate public interest to be withheld until it becomes untimely and worthless to an informed public.

Star-Telegram, Inc. v. Doe, 915 S.W.2d 471 (1995).

3. "The False Light" Rule

The publication of matters concerning a party may be actionable if the party is placed in a light that would be highly offensive to a reasonable person and the publisher had knowledge of or acted in reckless disregard as to the falsity of the alleged matters.

4. Appropriation of Name or Likeness for Commercial Purposes

Courts will generally protect a person's right of unrestricted use of that person's own identity. The protected right is often referred to as the "right of publicity."

The protection against appropriation extends only against entities that would gain a benefit or advantage from the appropriation. However, although a station may be said to benefit from the showing of a person's picture in connection with a news story, such use is incidental and not the basis for liability.

A person bringing an action under this theory must demonstrate that it was his or her identity that was actually appropriated without authority.

Broadcasters are cautioned to obtain written consent of a person whose voice, likeness or name may be used, particularly when any commercial benefit may accrue. In cases of minors, broadcasters must ensure that persons executing consent on their behalf are the actual parents or guardians or other persons authorized to grant such authority. (Even then, there may be danger that the minor will revoke that authority later, when he or she reaches the age of majority.)

Questions regarding the right of publicity very often arise within the context of celebrities (often of past eras) attempting to protect the values of their names and faces. It sometimes involves the estates of these celebrities. Different courts have reached varying results based on the laws of their own jurisdictions and differing facts. While an excellent review of these cases can be found in McFarland v. Miller, 14 F.3d 912 (3d Cir. 1994), broadcasters, once more, are urged to check with counsel as to the applicability of different statutes and court decisions.

C. CONFIDENTIALITY

The Supreme Court has ruled that a person giving information to a newspaper under a promise of confidentiality could sue that newspaper if the newspaper breaches the confidence. The court held that "generally applicable laws [promissory estoppel] do not offend the First Amendment simply because their enforcement against the press had incidental effects on its ability to gather and report the news." Cohen v. Cowles Media Co., 501 U.S. 663 (1991).

D. CAMERAS IN THE COURTROOM

In recent years, an increased number of jurisdictions have permitted the nonintrusive presence of TV cameras during court trials.

Beginning in July 1991, cameras were permitted in selected federal courtrooms to report on civil cases under a three-year experiment approved by the U.S. Judicial Conference. Following a three year extension, the conference decided in 1994 not to make the project permanent. In 1996, the conference gave the Courts of Appeal permission to allow camera coverage of appellate arguments if they choose. It also voted to "strongly urge" district courts not to allow cameras into their courtrooms.

State coverage varies by jurisdiction. Broadcasters should consult counsel or the clerk of the particular court before undertaking to transmit the proceedings electronically.

E. RECORDING AND BROADCASTING TELEPHONE CONVERSATIONS

Recording telephone conversations has become a part of today's business climate. Such recording is a useful tool for the preserving of the actual conversation, but care must be exercised to assure the proper use of this technique.

Few problems arise when both parties are aware of the fact that the conversation will be recorded and consent to it in advance. It is the timing or obtaining the consent and the form of acquiescence that require attention.

Nonbroadcast Recording

Recording telephone conversations involves the interplay of three separate sets of laws:

1. The FCC: The interstate telephone tariffs permit nonbroadcast recording of a long distance call if a beep tone is used, all parties consent, or one party announces to the other at the beginning of the call that it is being recorded.

2. State laws: A number of states have enacted laws or regulations controlling nonbroadcast recording of intrastate calls.

3. Federal Criminal Code: The Code (18 U.S.C. § 2510 et seq.) permits the recording of a telephone conversation if only one party has given consent. Thus, the originator of the call can record it, without the recipient agreeing to it, or vice versa.

Broadcasting Telephone Conversations

Section 73.1206 of the FCC Rules requires licensees to notify parties of the intention to broadcast telephone conversations prior to recording and/or broadcasting any conversation. The notification requirement applies whether the conversation is being recorded or broadcast live. The only time prior express notification is not required is when the party "is aware, or may be presumed to be aware from the circumstances of the conversation, that it is being or likely will be broadcast" (e.g., an "open mike" call-in show). FCC Rule 73.1206 provides that "such awareness is presumed to exist only when the other party to the call is associated with the station (such as an employee or part-time reporter), or where the other party originates the call and it is obvious that it is in connection with a program in which the station customarily broadcasts telephone conversations." The notification must be given before any portion of the conversation is broadcast live or recorded for later broadcast.

The Commission has ruled that a "conversation" begins whenever a party answers the telephone. Therefore, the prior notification requirement is violated when the party called answers the phone by saying "Hello," even though the announcer may immediately inform the party called of his or her identity and the fact that they are being broadcast live or being recorded for later broadcast. Live broadcast use of a telephone conversation prior to informing the other party of the station's intention to broadcast it, even with the intent of, and/or actually obtaining, the party's permission during the broadcast, is unacceptable. Furthermore, the FCC has held that the recording of telephone conversation for possible future broadcast with the intention of informing the other party of such, either during the

conversation or after, but prior to its broadcast, also violates the rule. 7 FCC Rcd 5463 (1992).

Merely telling the person called that the call was "on the air in Cincinnati," does not constitute advance notice. The brevity of the conversation is immaterial. "Thus, individuals have a right to such prior notice even if it involves recording and broadcasting only one word." 11 FCC Rcd 2906 (1996). The fact that the broadcast without notice was the result of "human error" will not prevent the levying of a fine. 10 FCC Rcd 13158 (1995).

PERSONNEL SHOULD BE FREQUENTLY REMINDED OF THE ADVANCE NOTICE REQUIREMENT.

F. UNAUTHORIZED USE OF COMMUNICATIONS

The use of intercepted information involves the interplay of at least two federal statutes — Section 705 of the Communications Act[32] and Title III of the Omnibus Crime Control and Safe Streets Act. The latter is more comprehensive and more recent in this respect.

Briefly stated, the Omnibus Act imposes both civil and criminal penalties on anyone who:

1. intentionally intercepts any wire, oral or electronic communication;

2. intentionally uses any electronic, mechanical, or other device to intercept any oral communication when:

   (a) such device is affixed, or otherwise transmits a signal through a wire, cable, or other like connection; or

   (b) such device transmits communications by radio;

3. intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral or electronic communication; or

4. intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing that such communication was intercepted.

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[32]This section was known for many years as "Section 605."

To "intercept" is to acquire the contents of wire, electronic or oral communication through the use of a device. "Content" is defined as "any information concerning the substance ... of a communication."

Thus, both the interception and disclosure are subject to the Act. The Act applies both to wiretapping and the use of implants, or "bugs."

While both the provisions of the Communications Act and Omnibus Act have generated much litigation, the vast bulk has dealt with the admissibility of evidence in both criminal and civil proceedings.

Of interest to broadcasters are the following legal principles:

1. Unintentional and inadvertent interception is not proscribed.

2. Transmissions from amateur stations may be divulged. "Journalists, therefore, may listen to such communications and use the information conveyed therein as they wish." 5 FCC Rcd 4614 (1992).

3. Citizen band radio transmissions may be monitored and divulged. Section 705 of the Act.

4. Taxicab Service transmissions may not be divulged. 3 FCC Rcd 2595 (1988).

5. FAA frequency conversations may not be divulged. 74 FCC 2d 615 (1972).

6. Listening to a police channel for an accident report and then divulging its contents is proscribed.

The mere listening to "open" transmissions such as police dispatchers is not proscribed by Section 705 of the Act. It is the divulgence of the contents of the transmission or the utilization of the secured information to the listening party's, or a third party's, benefit that brings it within the ambit of the referenced section. The classic example of a proscribed activity is that of a tow truck operator listening to the police channel for the purpose of securing business by sending out a truck to an accident scene.

The emergence of cordless and cellular telephones has opened up a new area of contention about utilization of information transmitted by these devices. In 1994, Congress removed the provision that exempted the radio portion of a cordless telephone from the definition of "wire communication" (Public Law 103-414), thus affording it the same protection as other telephones.

In deciding how to handle information received from sources that may have obtained the material through wiretapping, readers should be aware of a recent decision by a New York Court, applying the Federal Wiretap Statute. The court ruled that persons whose conversations were illegally wiretapped can maintain a suit against a newspaper that received a tape of the conversation and that published articles reporting these conversations. "Here, the newspapers knew they were dealing with recorded conversations between unconsenting parties." Natoli v. Sullivan, 606 N.Y.S.2d 504 (1993), aff'd 616 N.Y.S.2d 318 (1994).

It should be noted that there are also state laws governing the interception and utilization of intercepted information and great care should be exercised when embarking on any project involving electronic or other forms of surveillance.

G. REBROADCASTING THE TRANSMISSIONS OF OTHER STATIONS

Rebroadcasting the programs of another broadcast station requires the written consent of the originating station. No Commission authorization is necessary. Copies of the written consent must be kept at the rebroadcasting station and made available to the Commission upon request.[33]

There are also certain restrictions on rebroadcasting the programs of nonbroadcast stations.[34]

1. Programs originated by the Voice of America (VOA) and the Armed Forces Radio and Television Services (AFRTS) cannot, in general, be cleared for domestic rebroadcast, and may therefore be retransmitted only by special arrangements among the parties concerned.

2. Except as otherwise provided by international agreement, programs originated by foreign broadcast stations may be retransmitted without the consent of the originating station.

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[33]In an unusual case, the Commission admonished a station for broadcasting a program that included portions of a network program that had been previously broadcast on another station. As no consent had been obtained, the Commission held that Section 73.1207 of the Rules had been violated. 8 FCC Rcd 3597 (1993).

[34]A "rebroadcast" is a reception by radio of the transmission of a station and the simultaneous or subsequent retransmission by a broadcast station.

3. The transmissions of nonbroadcast stations may be rebroadcast under the following conditions:

a) messages originated by privately owned nonbroadcast stations other than those in the amateur and citizens band (CB) radio services may be broadcast only upon receipt of prior permission from the nonbroadcast licensee. Additionally, messages transmitted by common carrier stations may be rebroadcast only upon prior permission of the originator of the message as well as the station licensee;

b) messages originated entirely by nonbroadcast stations owned and operated by the federal government may be rebroadcast only upon receipt of prior permission from the government agency originating the messages; and

c) messages originated by stations in the amateur and citizens band (CB) radio services may be rebroadcast at the discretion of broadcast station licensees.

The rebroadcasting of time signals originated by the Naval Observatory and the National Bureau of Standards and messages from the National Weather Service stations is permitted without specific authorization under the following procedures:

1. Naval Observatory Time Signals. The time signals rebroadcast must be obtained by direct radio reception from a naval radio station, or by land line circuits. Announcements of the time signal must be made without reference to any commercial activity. Identification of the Naval Observatory as the source of the time signal must be made by an announcement, substantially as follows: "With the signal, the time will be . . . courtesy of the U.S. Naval Observatory." Schedules of the time signal broadcasts may be obtained upon request from the Superintendent, U.S. Naval Observatory, Washington, DC 20390.

2. National Bureau of Standards Time Signals. Time signals for rebroadcast must be obtained by direct radio reception from a National Bureau of Standards (NBS) station. Use of receiving and rebroadcasting equipment must not delay the signals by more than 0.05 second. Signals must be rebroadcast live, not from tape or other recording. Voice of code announcements of the call signs of NBS stations are not to be rebroadcast. Identification of the origin of the service and the source of the signals must be made by an announcement substantially as follows: "At the tone, 11 hours 25 minutes Coordinated Universal Time. This is a rebroadcast of a continuous service furnished by the National Bureau of Standards, Ft. Collins, Colorado." No commercial sponsorship of this announcement is permitted and none may be implied.

3. National Weather Service Messages. Messages of the National Weather Service must be rebroadcast within one hour of receipt. If advertisements are given in connection with weather rebroadcast, these advertisements must not directly or indirectly convey an endorsement by the U.S. Government of the products or services so advertised. Credit must be given to indicate that the rebroadcast message originates with the National Weather Service.

NOTE: Before rebroadcasting any foreign stations, consideration should be given to any copyright restrictions that may apply.

H. POINT-TO-POINT COMMUNICATIONS

Radio and television stations are licensed to broadcast program material intended only for reception by the general public. Except during emergency operations, no station may broadcast a message intended primarily for a specific individual because such point-to-point transmissions have been held by the Commission to run counter to the definition of "broadcasting" in Section 3(6) of the Communications Act. Messages in coded form also constitute point-to-point communications and as such should be avoided. Licensees may, however, address a message to a particular individual (e.g., a person in public life) if the message is an integral part of the program format and its meaning is clear to the audience.

Certain emergency situations may justify an exception to the prohibition on point-to-point communications. At the request of responsible public officials, a station may air messages to request or dispatch aid in rescue operations. However, immediately after such a broadcast, the licensees must notify the FCC stating the nature of the emergency, the dates and hours of the broadcasts, and a brief description of the material transmitted. (FCC Rule 73.1250(e)).

I. INVESTIGATIVE REPORTING

The reporting of news other than "hard news" imposes special restraints and responsibilities on station personnel.

While the FCC does not control — and by law is precluded from doing so — the contents of news, it has established certain policies regarding the stations' responsibility in the presentation of news and similar programs.

The first and foremost of these is that station personnel "cannot induce or encourage the commission of a crime in the process of news coverage." Moreover, station personnel must not "stage" the news event and then pass it off as news.

The following discussion of techniques of news reporting can deal only in general terms because each event must be judged within the context of the time and the circumstances of the action that is taking place.

TO LIMIT LIABILITY, STATIONS MAY WISH TO:

- **HAVE A WRITTEN POLICY THAT IS MADE AVAILABLE TO ALL PERSONNEL WHO MAY BE CALLED TO MAKE JUDGMENT DECISIONS IN NEWS COVERAGE. THAT POLICY SHOULD BE REVIEWED BY STATION COUNSEL SO THAT IT IS NOT USEFUL TO STATION OPPONENTS IN LITIGATION.**

- **WHENEVER POSSIBLE, CHECK WITH COUNSEL PRIOR TO EMBARKING ON A PROJECT.**

- **MAKE PERSONNEL AWARE THAT LOCAL LAW OFTEN GOVERNS NEWS COVERAGE ACTIVITIES IN AREAS SUCH AS DEFAMATION, TRESPASS AND INVASION OF PRIVACY.**

J. BROADCASTING AMATEUR TRANSMISSIONS

Hams, as amateur operators are affectionately known, provide an untapped source of programming for broadcasters. The FCC, however, has acted to restrict the kind of programming that may be originated by amateur operators.

While amateur stations have provided useful service during emergencies and natural disasters, there are definite restrictions imposed on them by Section 97.113 of the Rules. These include:

1. communications for hire or for material compensation, direct or indirect, paid or promised, except as otherwise provided in these rules;

2. communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employee;

3. music using a phone emission except as specifically permitted by the rules; communications intended to facilitate a criminal act; messages in code or ciphers intended to obscure the meaning

thereof; obscene or indecent words or language; or false or deceptive messages, signals or identification; and

4. communications, on a regular basis, that could reasonably be furnished alternatively through other radio services.

An amateur station shall not engage in any form of broadcasting, nor may an amateur station transmit one-way communications except as specifically provided in these rules, nor shall an amateur station engage in any activity related to program production or newsgathering for broadcasting purposes, except that communications directly related to the immediate safety of human life or the protection of property may be provided by amateur stations to broadcasters for dissemination to the public where no other means of communication is reasonably available before or at the time of the event.

Broadcast stations may divulge the contents of amateur transmissions and rebroadcast them.

K. CONCEALED MICROPHONES AND CAMERAS

1. Wireless Microphones

FCC Rule 15.9 governs the use of wireless microphones. The rule is similar to the FCC's all-party consent rule governing the broadcast of live and recorded telephone conversations. It prohibits the use of wireless transmitters for the purpose of overhearing or recording the private conversations of others, unless such use is authorized by all of the parties engaging in the conversation. Law enforcement officers acting "under lawful authority" are exempt from this rule.

When the Commission adopted this regulation it specifically allowed the use of wireless microphones when the intercepted conversation is "carried on within earshot of others not engaged in the conversation. Thus, conversations in public and semipublic places or in any other place where persons may reasonably expect their conversations to be overheard would not be protected by the rules." 2 FCC 2d 641, 645 (1966).

2. Wired Microphones

This section covers the use of concealed microphones, which may include the use of parabolic or shotgun microphones, when the participants in a conversation cannot see them and have not consented specifically or by inference to having their words recorded and disclosed.

Federal law permits surreptitious interception of a conversation in a public or private place if one party to the conversation has consented, unless the interception is being done for a criminal or tortious purpose. But when concealed microphones are used, some states supersede the federal rule and require the consent of all parties. In other states, use or disclosure after recording also requires consent of all parties, even though the interception itself was legal.

Different considerations apply to pictures taken by hidden cameras for news and public affairs purposes as opposed to pictures taken for entertainment programming or for use in commercials.

Covert photography generally may be employed to obtain pictures of what takes place in public and semipublic places for news and public affairs purposes. Generally, one may surreptitiously photograph events that take place in, for example, public streets, parks and sports arenas. The reasoning behind these general rules is that in some places and situations people reasonably expect that they will be seen. This also leads to some limitations.

- Care should be taken to photograph what can be readily seen by others in a public or semipublic place.

- If a sign warns against the taking of pictures, it is a good idea to obey the sign, or to consult counsel before taking pictures.

NO MATTER WHICH SURVEILLANCE METHOD IS EMPLOYED, CARE SHOULD BE EXERCISED TO AVOID STALKING, HARASSMENT AND INTRUSION ON THE PRIVATE PREMISES OF INDIVIDUALS.

ADVERTISING

Although the Commission eliminated its specific policies regarding false and deceptive advertising as part of its "regulatory underbrush" housecleaning in 1985, there is an underlying public interest responsibility on an operator not to carry advertising known to be misleading. Moreover, if the broadcaster participated in a scheme or promotion that a court determined to be illegal, and a conviction ensued, this could be considered by the FCC in determining whether the licensee has the requisite character qualifications to continue holding the license.

Under these circumstances, broadcasters should be continuously alert to any advertisement that appears to be deceptive.

A. CONSUMER LEASING DISCLOSURES

Consumer Leasing Act

Under the Consumer Leasing Act certain disclosure requirements are applicable to leases for "bailments" for the use of personal property, primarily for personal, family or household purposes. Excluded are leases for agricultural, business or commercial purposes, or to a government, government agency or instrumentality, or an organization. The lease must be for greater than four months and must not contain a total contractual obligation (including nonrefundable downpayments) exceeding $25,000. The lease need not contain an option to purchase.

While the disclosure laws are commonly applied in car leasing, they also apply to the lease of *any* personal property (e.g., furniture, appliances, boats) that exceeds four months in duration and imposes on the lessee a contractual obligation not exceeding $25,000. Disclosures need not be made in advertisements for real estate leases, or for personal property leases that are on a week-to-week basis and can be terminated in four months or less.

A common element of the disclosure requirements pertains to "triggering terms." Once a triggering term is mentioned in a consumer leasing ad, then all the required disclosures must be made.

Under the statute, a consumer leasing advertisement triggers the disclosure requirement if it mentions any one of the following:

- the amount of any payment;
- the number of required payments; or
- that any or no downpayment or other payment is required at the inception of the lease.

The mentioning of the above requires that all listed disclosures be made. Examples of triggering terms include the following:

- "Pay a mere $128 a month."
- "$133 a month . . . 36-month lease."
- "Low monthly payments on our four-year auto leases."

- "Lease now and make no payments for three months."
- "Only a small downpayment."
- "Leave your pocketbook behind and lease a car today."

Some statements that do not trigger the required disclosures are as follows:

- "Low monthly payments."
- "Lease for less than it costs to buy."
- "We lease to anyone."
- "Lease today and drive it away."

The disclosure in both radio and television spots must be made "clearly and conspicuously," although there are no stated requirements as to size or type, length of time or audio level.

The Consumer Leasing Act imposes no liability on broadcast stations if they air a spot that does not contain the required disclosures. However, the FCC has stated that it is against licensees' public interest obligation to aid programming that misleads the public. A spot that fails to make all the required disclosures could fall into that category, so stations should ensure that leasing spots contain the necessary disclosures. In addition, if the station produces the spot for the lessor, state law may impose the same liability on the station as is imposed on the lessor.

The General Disclosure Requirements

Television stations must follow the general requirements listed below:

1. that the transaction is a lease;
2. the amount of any payment required at the inception of the lease or that no such payment is required, if that is the case;
3. the number, amounts, due dates or periods of scheduled payments;
4. the total of payments under the lease;

5. if applicable, that the lessee shall be liable for the differential, if any, between the anticipated fair market value of the leased property and its appraised actual value at the termination of the lease;

6. a statement of the amount or method of determining the amount of any liabilities the lease imposes on the lessee at the end of the term; and

7. whether the lessee has the option to purchase the leased property and at what price and time.

Note that number 3 above mandates only one of the four categories of information. Thus, a spot needs to state the number of payments, or the amount of each payment, or the due dates of payments, or the periods of scheduled payments, but not all four.

Special Provisions for Radio Only

In 1994, Congress amended the disclosure provisions of the Act as they apply to radio only, by permitting an alternative means for making the required disclosures. Under the new law, if a radio spot for consumer leasing contains one of the triggering terms, the spot must disclose:

- that the transaction is a lease;

- the amount of any payment required at the inception of the lease or that no such payment is required, if that is the case;

- the number, amounts, due dates or periods of scheduled payments;

- the total of payments under the lease; and

- a reference to a toll-free telephone number or written advertisement where consumers may obtain all seven disclosures required by 15 U.S.C. § 1667c.

Examples of radio disclosures that appear to meet the statutory requirements include the following:

- "Lease for $1,000 down and $300 a month for a total of $10,800. Call 555-CARS for more information."

- "Our no money down, 24-month lease will cost you just $1,200. See Sunday's Herald for details."

- "Call 1-800-OK2RENT for the scoop on our monthly lease program. Just $500 down and total payments of $7,200."

The statute sets out parameters for the medium used to disseminate all the required disclosures. A toll-free number referenced in a leasing spot must be established no later than the broadcast date of the spot referencing the number. Because the advertiser is liable for making the required disclosures, it appears that the advertiser is therefore responsible for ensuring that the toll-free number is functional. However, the number may be operated by the advertiser, the station or a third-party, such as a commercial toll-free number service. The number must be maintained no less than ten days, beginning on the date of any such broadcast. Although this point is not clear, it would seemingly require that the number be maintained at least ten days past the last air date of the spot referencing the number. Consumers calling the toll-free number must be sent the required disclosure information in writing, if requested.

If the spot refers listeners to a written advertisement, it must give the name of the publication in which the advertisement appears and the publication date(s) of the advertisement. The publication must be in general circulation in the community served by the radio station, and the ad referenced in the spot must appear no earlier than three days before and no later than ten days after *any* broadcast of the spot. Thus, it appears that, for example, a leasing spot that airs on September 30 could not refer listeners to a September 25 newspaper ad for disclosures, even though the spot schedule may have begun on September 15.

Because the Consumer Leasing Act does not preempt state law, states may have other triggering terms and more extensive disclosure requirements than those required by federal law.

B. PROFESSIONAL ADVERTISING

Advertising by members of professions, such as doctors and lawyers, is not a new phenomenon. Nevertheless, a number of states and bar associations have attempted to restrict such advertising for a variety of reasons, including the desire to prevent barratry (the stirring up of litigation) and to protect the integrity of the profession.

Beginning with Bates v. State Bar of Arizona, 433 U.S. 350 (1977), which held that a blanket prohibition of lawyer advertising was unconstitutional, many of the barriers against professional advertising have begun to come down.

In 1992, a U.S. District Court judge ruled that a provision of the Professional Conduct Rules of the Florida Bar, which imposed a 30-day waiting period on lawyers mailing advertisements to victims of accidents and other misfortunes, was unconstitutional. McHenry v. The Florida Bar, 808 F.Supp. 1543 (M.D. Fla.), aff'd Florida Bar v. Went For It, Inc., ___ U.S. ___, 115 S.Ct. 2371 (1995).

In 1993, the U.S. Supreme Court ruled in favor of Scott Fane, a Certified Public Accountant (CPA) who had sued the Florida Board of Accountancy on the ground that its rule prohibiting CPAs from engaging in professional advertising violated his guarantee of free speech. The court said, "Florida's law threatens societal interests in broad access to complete and accurate commercial information that First Amendment coverage of commercial speech is designed to safeguard." Edenfield v. Fane, 113 S.Ct. 1792 (1993).

C. HOME SHOPPING STATIONS

For many years, the FCC had strict limitations on the commercial content of broadcasting. Stations were required to maintain logs indicating the time and duration of commercials and to observe overall limitations on the number of commercial minutes per hour. Except for the time limitations in children's programming (see p. 109) these limitations have now been abandoned as a result of the deregulation of broadcasting.

So-called Home Shopping programming, which originated on cable, is now also a fact of life on a number of broadcast stations.

In a July 1993 decision, the Commission held that stations operating in the Home Shopping mode serve the public interest. In a companion action in October 1993, the FCC initiated an inquiry to determine whether some type of commercial time limitations on television should be reimposed. 8 FCC Rcd 5321; 8 FCC Rcd 7277.

D. INFOMERCIALS

The removal of commercial time limits on broadcasts has led to the revival of "program length commercials" now known as "infomercials." These programs advertise one or more products or services via extended demonstrations, discussions, talks, "showcases" and other forms of program-like material. While this type of programming is acceptable under present regulations, there remains the important

requirement of sponsor identification. Thus, the broadcaster should ensure that all of the requirements of disclosure discussed on p. 74 are fully effectuated.

E. ADVERTISING ALCOHOLIC BEVERAGES

1. Federal Control

There are no FCC or other federal regulations that prohibit or govern (with one small exception noted below) the advertising of alcoholic beverages by radio or television stations. Also, the FCC does not direct licensees regarding alcohol advertising or regarding the depiction of the use of alcoholic beverages in dramatic or other types of program matter. However, some state laws restrict alcoholic beverage advertisements in some respects, e.g., restrictions against advertising two-for-one drinks during "happy hour," etc.

The FCC has consistently taken the position that restrictions on broadcast advertising of alcoholic beverages is a matter for legislative determination by Congress. Congress has enacted no law in this regard.

In 1995, the Supreme Court ruled that a federal prohibition against listing alcohol contents on beer labels violated the First Amendment's protection of commercial speech. Rubin v. Coors Brewing Co., ___ U.S. ___, 115 S.Ct. 1585 (1995). In 1996, the Supreme Court held that a Rhode Island prohibition of advertising liquor prices violated the First Amendment. 44 Liquormart, Inc. v. Rhode Island, ___ U.S. ___, 116 S.Ct. 1495 (1996). In 1996, the Seagram Corporation announced that it would place advertising for hard liquor on television stations, departing from the self-imposed ban by the Distilled Spirits Council of the United States against broadcasting liquor ads.

2. State Control

In 1984, the Supreme Court invalidated Oklahoma's ban of liquor and wine advertising on cable systems, but refused to review, thereby letting stand, a Mississippi case upholding a ban of broadcast and print alcoholic beverage advertising. Capital Cities Cable Inc., v. Crisp, 467 U.S. 691 (1984); Lamar Outdoor Advertising, Inc. v. Mississippi State Tax Commission, 701 F.2d 314 (5th Cir. 1983), cert denied 467 U.S. 1259 (1984); Dunagin v. City of Oxford, 718 F.2d 738 (5th Cir. 1983), cert denied 467 U.S. 1259 (1984). The combination of these two actions, in effect, permits states to regulate in-state alcoholic beverage advertising, except on cable.

It is to be noted that legislation is periodically introduced in Congress to ban or control beer and wine advertising. These attempts have not resulted in any laws to date.

F. ADVERTISING TOBACCO PRODUCTS

Congress has specifically banned the advertising of cigarettes and little cigars from "any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission." Any violation of this law is considered a misdemeanor, punishable by fine. (15 U.S.C. § 1335). This prohibition was upheld by the Court. Capital Broadcasting Co. v. Mitchell, 333 F.Supp. 582 (D.C. Cir. 1971), aff'd 405 U.S. 1000 (1972). As of August 27, 1986, smokeless tobacco products (such as chewing tobacco, snuff, etc.) also may not be advertised over any electronic medium.

The definition of cigarettes, for purposes of the law, is "(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A)." A little cigar is defined as "any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette) and as to which one thousand units weigh no more than three pounds."

The law does not prohibit the broadcast advertising of pipe tobacco or cigars not defined as little cigars. Although there has been no official ruling by the Justice Department, it is generally understood that this law does not prohibit advertising of cigarette papers or prohibit the incidental use of any tobacco product in television programs by actors, announcers, etc.

It is also generally assumed that it is permissible for a program to mention the name of a cigarette product as part of the program title, as for example the "Virginia Slims Tennis Tournament," as long as such a mention does not constitute a commercial for the product. However, as a cautionary measure, even where appropriate mentions are made of the name of a cigarette, they should be kept to a minimum.

G. CHILDREN'S TELEVISION ADVERTISING

For a discussion of the Commission's regulations dealing with program length commercials and the length of commercial continuity see p. 109 supra. The following is a brief summary of these requirements. Commercial matter in programs originally produced and broadcast for an audience of children 12 years and under shall be limited to 12 minutes on weekdays and 10½ minutes on weekends. Sponsored PSAs and promos that do not mention a product do not count as commercial matter. Commercial limits are to be applied on a clock-hour basis.

A program-length commercial is a program associated with a product in which commercials for that product are aired. Unrelated programming material must be aired between a program featuring a product and a commercial for that product.

The Commission has not changed its rules that prohibit "host selling" and that require a distinct break between program matter and commercials.

H. HYPOING

"Hypoing" is any irregular activity designed to distort survey results, e.g., conducting a special contest or otherwise varying the usual programming, or instituting unusual advertising or other promotional efforts, designed to increase audiences only during the survey period.

The FCC has determined that continued oversight in this area "in the first instance," i.e., through FCC investigation and adjudication, is not warranted. 94 FCC 2d 619 (1983). These activities are now regulated by the FTC.

The Commission will consider any violations of these regulations at station license renewal time.

PART III — STATION OWNERSHIP

A. THE LICENSE

B. MULTIPLE OWNERSHIP OF STATIONS

C. NEWSPAPER/BROADCAST CROSS-OWNERSHIP RULE

D. TV/CABLE CROSS-OWNERSHIP RULE

E. LOCAL MARKETING AGREEMENTS (LMAs)

F. ONE-TO-A-MARKET RULE

G. TELEVISION DUOPOLY RULE

H. CROSS INTEREST POLICY

I. DISTRESS SALES

J. TAX CERTIFICATES

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PART III - STATION OWNERSHIP

Early days of broadcasting were marked by the individual entrepreneur who owned a station in a particular community and remained associated with that facility for many years.

As broadcasting grew, there emerged a pattern of multiple ownership, ownership by nonbroadcast entities (e.g., newspapers, although some of the earliest stations, like WWJ in Detroit, were newspaper-owned) and ownership by networks. The Commission, no matter what its composition, has expressed concern with placing too many "voices" under a single control. The following regulations express the current status of that concern.

A. THE LICENSE

The license to operate a broadcast station is not a property right of the licensee. 7 FCC Rcd 2654 (1992). It cannot be transferred without the written consent of the Commission. FCC and court decisions have on a number of occasions held that the license is not subject to a lien by a lender and cannot automatically revert to a seller upon default. (FCC Rule 73.150); 94 FCC 2d 829 (1983); 11 FCC 2d 934 (1968); Tak Communications, Inc., 985 F.2d 916 (7th Cir. 1993). While a lender may not have a security interest in the license, it may have a security interest in the proceeds from the sale of the license. Beach Television Partners v. Mills, 38 F.3d 535 (11th Cir. 1994).

While the Commission is considering problems dealing with capital formation in a pending proceeding, 7 FCC Rcd 2654 (1992), the term "ownership" in this section denotes the right to operate a station rather than the actual ownership of the license as an asset of the licensee.

B. MULTIPLE OWNERSHIP OF STATIONS

Over the years, the Commission's limitation on the ownership of stations has undergone drastic changes.

The 1996 Telecom Act has drastically changed the ownership structure of the broadcast industry by:

1. eliminating the numerical cap on the number of radio stations that may be commonly owned on a national basis;

2. setting new numerical limits of the number of radio stations that may be commonly owned on a local basis;

3. eliminating the numerical limit on the national ownership of television stations;

4. setting a 35 percent cap on national viewership in lieu of the 25 percent previously in effort;

5. directing the FCC to conduct hearings to determine whether its rules limiting local TV station ownership should be amended;

6. directing the FCC to extend its one-to-a-market waiver policy to the top 50 markets instead of the top 25 markets;

7. grandfathering the TV LMAs that were in existence at the time of the enactment of the 1996 Telecom Act; and

8. the FCC's multiple ownership rules do not in themselves confer antitrust immunity. The structuring of any arrangement should keep this fact in mind.

1. Radio Multiple Ownership

The following is the numerical limitation on the local ownership of radio stations, subject to the proviso that no party may own, operate or control, more than 50 percent of the stations in a market with 14 or fewer commercial radio stations.

Number of Commercial Stations in the Market	Maximum Number of Stations	Maximum Number of Same-Service Stations (AM or FM)
45 or more	8	5
30-44	7	4
15-29	6	4
14 or fewer	5	3

The size of a radio market, for FCC radio ownership purposes, still will be determined by counting the number of all broadcaster's posttransaction, commonly owned radio stations, plus all the commercial radio stations (domestic and foreign), the principal community contours of which overlap or intersect any of the

commonly owned and mutually overlapping stations. Excluded from the station market count are noncommercial stations, construction permits not yet on the air and off-the-air stations silent for more than six months. However, the principal community contours of non-operational (construction permit or silent) stations that are part of a transaction, or are commonly owned by a party to the transaction, will continue to be counted and used to define the radio market.

The Commission specifically noted that "time brokerage agreements between two stations in the same market that involve more than 15 percent of the brokered station's programming per week will continue to be treated as if the brokered station is owned by the brokering station for purposes of the radio local ownership rules." FCC 96-90 (released, March 8, 1996).

2. Television Multiple Ownership

There is no limit on the number of television stations that a person or entity may directly or indirectly own, operate, control or have cognizable interest in, nationwide, provided that these stations do not have aggregate national reach exceeding 35 percent. 2 FCC 96-91 (released, March 8, 1996). Under the existing rules for the purpose of calculating "audience reach," UHF stations are attributed only 50 percent of their audience reach (the "UHF discount"), and primary satellite stations are generally not counted (the "satellite exception"). Stations are also allowed an additional five percent reach if it is derived from minority controlled stations.

The 1996 Telecom Act is silent with respect to the UHF discount and the satellite station exception. The UHF discount and satellite exception are matters presently under consideration in the Commission's outstanding proceeding reviewing its television broadcast ownership rules, and any rule modifications with respect to these matters will be addressed, as appropriate, in that proceeding. In the interim, the UHF discount and the satellite exception, as set forth in the current rules, will continue to apply in calculating the national audience reach. However, any entity that acquires stations during this interim period and that complies with the 35 percent audience reach limitation only by virtue of one or both of these two provisions will be subject to the outcome in the pending television ownership proceeding (Docket Nos. 91-221 and 87-8) concerning these issues.

The "minority bonus" has been eliminated.

C. NEWSPAPER/BROADCAST CROSS-OWNERSHIP RULE

Common ownership of a radio or television station and a daily newspaper (i.e., published in English at least four times weekly) is prohibited if the contour of the AM (2.0 mV/m), FM (1.0 mV/m), or TV (Grade A) encompasses the entire community in which the newspaper is published.[35]

In enacting this rule, the FCC decided against requiring broadcast/newspaper cross-ownership divestiture in all but the most egregious cases.

A college newspaper is not considered as being circulated generally. (FCC Rule 73.3555, Note 6).

D. TV/CABLE CROSS-OWNERSHIP RULE

As part of the Cable Communications Act of 1984, Congress codified the FCC policy that prohibits the ownership of a "reportable interest" in both a cable system and a TV broadcast station if the television station places a Grade B contour over any part of the service area of the cable system. 47 U.S.C. § 533 (1987).

The provision of the rules limiting TV network ownership of cable systems to ten percent of homes passed by cable nationwide and 50 percent of homes passed by cable within the ADI has been eliminated by § 202(f) of the 1996 Telecom Act. FCC 96-112 (released March 8, 1996). While the 1996 Telecom Act also removed the statutory basis for the television station/cable cross-ownership rule, it did not require the elimination of that rule.

E. LOCAL MARKETING AGREEMENTS (LMAs)

Beginning with a series of staff decisions in 1990, 5 FCC Rcd 7585 and 5 FCC Rcd 7586, the Commission recognized a new trend in radio station ownership/management, which finally culminated in a comprehensive Commission action in 1992. 7 FCC Rcd 2755. In that decision, the FCC established parameters of the licensee/programmer relationship that takes into account the strained economic situation of some stations — particularly stand-alone AM stations — while

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[35]Congress has enacted legislation permitting, but not requiring, FCC waiver of this rule in situations involving radio only.

preserving the Commission's oft-expressed policy of fostering a diversity of voices in a community.

The result is the concept of local marketing agreements that permit a degree of programming and operation of a station by a nonlicensee, subject to the overall control by the licensee who bears the ultimate responsibility for the station.

The arrangements may take a number of forms. The programmer may acquire a small portion of the broadcast day, or virtually all of it. The programming may be the same that is aired by the programmer on another station in the same community (subject to some limitations) or it may be original. The programmer may be a Commission licensee, including the owner of another station in the same market (subject to some limitations) or it may be a party which is a nonlicensee. Payment may consist of a fixed amount or may be based on a formula.

There are, however, some important limitations:

THE MOST IMPORTANT LIMITATION IN ANY LMA IS THE LICENSEE'S CONTINUING AND NONDELEGABLE RESPONSIBILITY FOR THE OPERATION OF THE STATION IN ACCORDANCE WITH FCC RULES AND POLICIES.

Attributable Time Brokerage Arrangements

If more than 15 percent of a radio station's broadcast hours per week are brokered to another station and their principal community contours overlap, the brokered station is "counted" as "owned" by the broker for the purpose of the FCC radio multiple ownership limits. This limitation applies regardless of the source of the brokered programming supplied by the brokering station to the brokered station.

The Commission's definition of "time brokerage" is the sale by a licensee of discrete blocks of time to a broker who supplies the programming to fill that time and sells the commercial spot announcements in it. Hence, joint sales arrangements among stations that do not involve the sale of time by one station to another are not covered by the new rules. However, stations should check with their own counsel to see whether these joint sales arrangements — especially if they also include "combination rate" sales — are compliant with federal and state antitrust laws.

Filing Requirements and Necessary Showings

"Attributable" time brokerage agreements must be in writing, must be filed with the Commission, and must be placed in both stations' public files. However, confidential or proprietary information may be deleted from the filed copies, where appropriate. The agreement must contain:

1. a certification by the licensee or permittee of the brokered station verifying that it maintains ultimate control over station facilities, including specifically finances, personnel and programming; and

2. a certification by the brokering licensee that the arrangement complies with the local ownership limits. The brokering station must also report the existence of an attributable brokerage agreement on its ownership report (FCC Form 323).

Time brokerage agreements in existence on or before September 16, 1992, should have been placed in stations' public files, and filed with the Commission by October 16, 1992. Time brokerage agreements executed after September 16, 1992, must be placed in the stations' public files and filed with the Commission within 30 days after they are executed. Copies of these agreements sent to the Commission should be addressed to Secretary, Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554, Stop Code 1170. The envelope and cover letter should state: "Attention — Ownership Section."

In those larger market situations (15 or more city grade signals) where parties are unable to verify relevant audience share data due to the absence of such information or for other reasons, a ruling must first be obtained from the Commission prior to implementing the time brokerage agreement that the arrangement will not lead to excessive concentration. Any request for such a ruling should contain the same kind of market concentration information included in an assignment or transfer application and will be processed following the same procedures applied to an assignment or transfer application including the placement of the request on public notice and subjecting it to public comment.

FCC Reaffirmation of Previous Time Brokerage Rulings

The time brokerage guidelines adopted by the Commission in a series of declaratory rulings adopted in the past several years also still apply. These rulings are intended to ensure that there is no brokering-station control of the brokered station — control that might amount to a de facto transfer of control of the brokered station. These earlier FCC time brokerage rulings placed particular focus on the unlawful exercise of control/influence on the brokered station's finances,

programming and personnel decisions. As noted above, a time brokerage agreement must include a certification of compliance with these rulings.

Additional Time Brokerage Clarifications

The Commission has indicated that:

1. if two stations enter a time brokerage agreement in a larger market (15 or more city grade signals) and their combined audience shares subsequently exceed 25 percent of the market, one of the stations may not purchase the other;

2. while the FCC will not interfere with parties' decisions regarding "liquidated damages" in time brokerage agreements, or the length of a brokerage agreement, licensees must retain control of their own stations. Any "excessive" liquidated damages clause or any unreasonably lengthy brokerage agreement might result in a question of licensee control;

3. a station in one market may not enter into an "attributable" time brokerage agreement with a station in another market if the brokering licensee is at the local ownership limit in that other market. The fact that the programming source in this example is "outside" the market does not remove the brokerage agreement from being barred under the ownership limits;

4. parties will not be permitted to renew or extend LMA agreements once the initial term expires, if at the time of expiration, the agreement would violate the multiple ownership rules. 9 FCC Rcd 7183 (1994); and

5. employees at a station involved in an LMA should be reported on the Annual Employment Report (FCC Form 395-B) of the entity that employees them. Thus, the broker's employees are to be reported on the broker's Form 395-B, while the employees of the licensee should be reported on the licensee's Form 395-B. 9 FCC Rcd 2535 (1994).

"Same Service" Simulcasting

If a local market time brokerage arrangement involves stations of the "same service" (either AM or FM), the FCC places a 25 percent maximum on the number of hours per week that may be simulcast by the stations if the stations' principal

community overlap area constitutes more than 50 percent of either station's principal community contour area. This 25 percent limit on same service simulcasting in the local market also applies where the stations are commonly owned. If the brokered or commonly owned stations are in different services (one AM, the other FM), no such simulcast limit applies.

Factors to be Considered

In assessing the desirability of entering into a time brokerage-type LMA, the existing licensee should bear in mind the following considerations:

- Once the broker takes over programming and sales, there is the possibility that much of the station's staff will become dispersed and there may be difficulties in rebuilding the station once the term of the LMA has expired.

- There is the risk that a competitor, or a listeners' group, may claim — and eventually prove — that the broker had assumed actual control of the station to an extent that an unauthorized transfer of control has taken place.

- There is the possibility that the broker may run afoul of FCC regulations such as deceptive contests, lotteries, violation of lowest unit charges, to name but a few. Insofar as the FCC is concerned, it is the station's licensee who is responsible for the operation of the station, and it is that licensee who faces the results and costs of these shortcomings. A defense that the violation was the responsibility of the broker runs afoul of the Commission's policy against the unauthorized transfer of control.

- There is the need for supervision on the part of the licensee to make sure that the station's programming meets community needs. Such control requires accountability on the part of the broker and supervision on the part of the licensee.

- There is a need for regular in-studio management presence on the part of the licensee. The Commission has indicated that while staff may be shared with the broker, management must be distinct. This requirement limits the cost-cutting advantages of an LMA.

- At license renewal time, an argument may be made that the licensee is not entitled to a renewal expectancy because the licensee had left the day-to-day operations in the hands of another party. A petitioner to deny may also argue that the arrangement violates the antitrust laws.

With these factors in mind, it is incumbent on each licensee to carefully consider the practical effects of a time brokerage-type LMA before entering such an arrangement, to consult counsel on the precise terms of any contract,[36] and to continue exercising control over the operation of the station after the commencement of the LMA.

As a minimum, an LMA contract should address the following:

- The method of maintaining the licensee's nondelegable responsibility for the station.

- The duration of the LMA and the agreement provisions for its voluntary termination.

- The method of payment by the broker — monthly, weekly, etc., and the amount.

- The amount of time subject to brokerage — all drive time, all operating time, etc.

- Responsibility for preparing records. Because the licensee must place the quarterly program/issues reports in the PI file, it is important that adequate records are kept.

- The right of preemption — should the licensee determine that any material broadcast by broker is unacceptable or if the licensee determines that the public interest would be served by substituting a program in lieu of the program scheduled by the broker, the licensee must have the absolute right to preempt.

A RADIO TIME BROKERAGE-TYPE LMA, ONCE EXECUTED, MUST BE FILED WITH THE FCC AND MUST BE PLACED IN THE PUBLIC INSPECTION FILE OF THE STATIONS INVOLVED.

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[36]It is still an open question whether any sponsorship announcement should be made identifying the broker.

TV LMAs

While the LMA practice has evolved in radio, such arrangements have now spilled over into television. In the Omnibus TV Rule Making, (10 FCC Rcd 3524 (1995)), the Commission addressed TV LMAs and proposed to treat TV arrangements under the same regulations as are applicable to radio.

During the pendency of the proceedings, the Mass Media Bureau will apply an Interim Policy promulgated in June 1995. Under that policy, the Bureau will not approve time brokerage-type LMAs where the broker seeks both to finance the station acquisition and to hold an option to purchase the station. Where a broker is lending funds, the loan may be secured by the station's assets and/or a pledge of the licensee's stock, but cannot be dependent whatsoever upon the LMA. That is, default or termination of the LMA cannot trigger acceleration of repayment of the loan. Additionally, purchase options must be of an "appropriate duration" and must not involve upfront payments of all, or substantially all, of the station's value.

The Bureau will require full documentation from a TV applicant proposing station operations under an LMA, where the licensee broker would be either a lender or an option holder (but, under the Bureau policy, could not be both). Such documentation would include the LMA agreement and, where applicable, the loan agreement, the promissory note(s), the security agreement, the pledge agreement and the option agreement. Applications currently on file should be amended to reflect this "interim policy."

Finally, the Bureau stated that these limited combinations of an LMA and an option, or an LMA and a loan, are "appropriate accommodations" during the pendency of the overall TV ownership and attribution rule making.

The Bureau emphasized that approvals will be conditioned on the outcome of the rulemaking and that this interim policy should not be viewed as a prejudgment of the Commission's final decision in its rulemaking proceedings.

As previously indicated, Section 202(g) of the 1996 Telecom Act provides for the continuation of TV LMAs. The Conference Report, however, speaks of grandfathering LMAs without qualification of the service in which they may be operating. Conf. Rept. at 163. The Act does not provide antitrust immunity. See Part XII.

The Sale of an LMA-Involved Station

When a brokering station is sold, an existing brokerage agreement that would be barred by the rules if entered initially at the time of the sale may be transferred, subject to the limitation listed in the accompanying footnote.[37]

The new owner may enjoy all rights and limitations with respect to the multiple ownership rules as the original owner, but only for the duration of the term of the agreement in effect at the time of transfer. Thus, if a licensee's combined audience share in a large market for a station it owns and one it brokers grows to exceed 25 percent during the term of the agreement (or if it exceeded 25 percent initially but was grandfathered), that licensee's interests can be sold as a combination and the brokerage agreement can continue in effect for the duration of the initial term of the brokerage agreement. Similarly, if a grandfathered brokerage agreement in a smaller market permitted a licensee to own and broker stations comprising 50 percent or more of the stations in the market, the brokerage agreement could remain in effect for a new owner, for the duration of the initial term of the brokerage agreement. Options to renew or extend time brokerage agreements involving unreasonably long terms in such agreements may call into question a licensee's control of its station. 9 FCC Rcd 7183 (1994).

The 1996 Telecom Act contains a provision designed to assure that this legislation does not deprive the public of the benefits of existing TV LMAs that were otherwise in compliance with the Commission's regulations at the time of enactment. Section (202(g)).

F. ONE-TO-A-MARKET RULE

The so-called one-to-a-market rule prohibits an individual or entity from having an attributable interest in both a radio station (AM or FM) and a TV station if the AM's 2.0 mV/m or the FM's 1.0 mV/m contour encompasses the entire community of license of the TV station, or if the TV's Grade A contour

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[37]The purchaser of a station or stations involved in a brokerage agreement cannot create a new violation or exacerbate an existing violation of the rules by that acquisition. Thus, for example, a station combination that involves a brokerage agreement and that exceeds the 25 percent audience share limit, but is nonetheless permissible under the rules, could not be acquired by a party with another station in the same market. A similar station combination with an audience share of 24 percent could not be acquired by a licensee with a station enjoying a three percent share in the same market.

encompasses the entire community of license of the AM or FM station. (FCC Rule 73.3555(c)).

However, there is an exception for UHF and radio stations. The FCC will consider, on a case-by-case basis, applications for the common ownership of a radio station and a UHF television station in the same market. (FCC Rule 73.3555, note 7). There is no prohibition with regard to ownership of an AM-FM combination in the same market.[38]

G. TELEVISION DUOPOLY RULE

A party may not have an attributable interest in two television stations if the Grade B contour of one TV station overlaps the Grade B contour of the other TV station. (FCC Rule 73.3555(b)). Section 202(c)(2) of the 1996 Telecom Act directs the FCC to conduct a rulemaking proceeding to determine whether it should retain, modify or eliminate this provision.

H. CROSS INTEREST POLICY

For many years, the Commission had a policy that prevented individuals or entities from having a "meaningful" cross-interest in two co-located stations, or a daily newspaper and a station, or a cable system and a television station. This policy was applied on an ad hoc basis to various positions and interests in the involved entities. While not in itself part of the multiple ownership rules, this policy controlled the ability of entities to create relationships with more than one

[38]The Commission will entertain requests to waive these restrictions on a case-by-case basis. The Commission will look favorably upon waiver applications that meet either of the following two standards: (1) those involving radio and television station combinations in the top 25 television markets where there will be at least 30 separately owned, operated and controlled broadcast licensees after the proposed combination; or (2) those involving "failed" broadcast stations that have not been operated for a substantial period of time, e.g., four months, or that are involved in bankruptcy proceedings. Other waiver requests will be evaluated on a more rigorous case-by-case basis. The Commission will consider such factors as economies of scale, the class and size of the station involved and the ownership of other media by the petitioning party. 4 FCC Rcd 1741, 4 FCC Rcd 6489 (1989). The 1996 Telecom Act has directed the Commission to extend its waiver policy to the top 50 markets, consistent with the public interest, convenience and necessity. 1996 Telecom Act Section 202(d).

media voice in the same market. In 1989, the Commission redefined that policy. It specifically held that the policy did not apply to consulting positions or advertising agencies, time brokerage agreements but retained that policy only in regard to joint ventures, key employee relationships and nonattributable equity interests. 4 FCC Rcd 2208 (1989). The Commission is currently reviewing this policy in a far ranging proceeding. (Docket 94-150).

I. DISTRESS SALES

In order to increase minority ownership of broadcast facilities, the Commission has adopted a distress procedure that is an exception to the Commission's policy barring the sale of a broadcast facility by a party whose qualifications have been questioned, until the time that these questions have been favorably resolved.

Under the Commission's "distress sale" policy, a broadcaster whose license has been set for revocation or whose renewal application has been designated for hearing may sell the station to a minority enterprise. The buyer must meet FCC qualifications, and the minority ownership must exceed 50 percent or be controlling. A limited partnership can qualify as a minority enterprise if the general partner is a minority who holds at least 20 percent interest and will exercise complete control over the station's affairs. The buyer must buy the station before the start of the revocation or renewal proceedings and the price must not exceed 75 percent of the fair market value of the station.

Parties planning to utilize a distress sale transaction are cautioned that the Commission expects a detailed showing of valuation of the station before approving such a transaction. The buyer and seller must each retain an appraiser and each must submit an appraisal of the station's fair market value as of the time the station's renewal application was designated for hearing. The average of these two appraisals will constitute the fair market value. If the difference between the two appraisals exceeds the average by five percent, the parties must jointly select a third appraiser, and the average of the three appraisals will constitute the fair price. The Commission will not approve a sale in which the ratio between the purchase price and the fair market price exceeds 75 percent. In order to expedite distress transactions, the Commission authorized the staff to act on these applications under delegated authority. 77 FCC 2d 156 (1980).

This policy, initially invalidated by the Court of Appeals, was upheld by the Supreme Court in Metro Broadcasting Co., Inc. v. FCC, 497 U.S. 547 (1990).

The Supreme Court's decision in the Adarand[39] case has put into question the continued validity of the Metro determination.

J. TAX CERTIFICATES

Section 1071 of the Internal Revenue Code conferred upon the Commission the power to issue tax certificates dependent upon its finding that a sale or exchange of property is "necessary and appropriate" to effectuate the adoption of a new policy or a change in an existing policy relating to the ownership and control of broadcasting properties. This section of the Code was deleted in 1995, and that section no longer is applicable to sales and exchanges on or after January 17, 1995. (Pub.L. 104-7, § 2(a), Apr. 11, 1995).

K. CITIZENSHIP REQUIREMENTS

Restrictions on alien ownership of broadcast stations arose out of the congressional concerns that national security might be endangered if noncitizens controlled the country's mass media. Section 310 of the Communications Act bars the Commission from issuing a broadcast license to:

- a foreign government or its representative;
- any alien or the representative of any alien;
- any corporation organized under the laws of a foreign country;
- any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens, or their representatives, or by a foreign government or representative thereof, or, by any corporation organized under the laws of a foreign country; or
- any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if

[39] Adarand Construction, Inc. v. Pena, ____ U.S. ____, 115 S.Ct. 2097 (1995).

the Commission finds that the public interest will be served by the refusal or revocation of such license.

Applicants for a construction permit or license must certify that they are in compliance with this statutory requirement. The previous ban on alien officers or directors was repealed by the 1996 Telecom Act.

L. TENDER OFFERS AND PROXY CONTESTS

As a result of uncertainties arising from the new techniques of corporate acquisition, the Commission has adopted a policy statement regarding the procedures to be followed in tender offers and proxy contests. The Commission recognized that the utilization of the "long form" application process (FCC Forms 314 and 315) would call for an inordinate delay that would, in itself, frustrate the effectuation of the offer.

The Commission adopted a "trustee" approach under which the party seeking to acquire the station would nominate a "trustee" who would operate the station during the pendency of the long form proceeding looking to the ultimate approval of the transaction. The trustee would assume control pursuant to a "short form" Form 316 application that is not subject to the prolonged proceedings applicable to its long form counterparts. The Commission would issue a Special Temporary Authorization for the interim operation, with the trustee being obligated to:

- guard the assets of the station;
- continue the broadcast operations; and
- act in a manner that facilitates the underlying transaction.

During the pendency of the trustee's stewardship of the station, the offeror would be barred from exercising any control over the station.

If the Commission ultimately approves the long form application, the offeror would take over the station. If the Commission ultimately denies the long form application, it would be the trustee's responsibility to find an alternate purchaser. 59 RR 2d 1536 (1986), pet. rev. dism sub. nom. Office of Communications of the United Church of Christ v. FCC, 826 F.2d 101 (D.C. Cir. 1987).

PART IV - STATION MANAGEMENT

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PART IV - STATION MANAGEMENT

A. HOUSEKEEPING DETAILS

Although the following subjects are treated elsewhere in this volume, here are some of the important management routines that a broadcaster should follow:

1. Setting up a public inspection file system and follow-up procedures. (See p. 54).

2. Setting up a community relations (ascertainment) procedure and responsive action. (See p. 79).

3. Setting up an EEO self-assessment procedure and measures to meet perceived inadequacies. (See p. 161).

4. Setting up a payola/plugola certification procedure. (See p. 77).

5. Setting up procedure for payment of regulatory fees. (See Appendix I).

6. Keeping the FCC advised of any change in the official mailing address. (FCC Form 5072).

The running of a broadcast station is subject to the overriding Commission policy that the licensee of a broadcast facility bears the ultimate nondelegable responsibility for the operation of that facility.

Broadcasters should take continuing steps to impress upon all personnel — no matter what their individual contractual arrangements may be — that the licensee expects all persons to act in a manner that will respect and protect that licensee responsibility either on the air or in contact with the community.

B. NETWORK RELATIONS

1. General Rules

The FCC prohibits a station from obtaining the right to the exclusive use of a network service in its market area. Specifically, a broadcast station is prohibited from entering into an arrangement with a network that hinders another station serving a substantially different area from broadcasting any network program. A station may obtain "first call" rights within a station's primary service area (for radio) or its community of license (for television), but other stations must remain free to seek permission to air uncleared programs.

The explosive growth in the number of radio stations and the declining power of individual radio networks has led to the elimination of almost all of the radio station/network controls. Still in effect is the rule that bars a network arrangement under which another station serving the same community is prevented from carrying network programs not taken by the first station. This rule does not bar a station from having "first call" upon a network's programs within its primary area. (FCC Rules 73.132, 73.232).

Similar changes, through less drastic, have taken place in the relationship between television networks and their affiliates.

The rule that barred network ownership of a station in a market that has so few (or unequal) stations that "competition would be substantially restrained" has been deleted. Similarly deleted was the "secondary affiliation" rule, which required that in markets where two of the three traditional networks have an affiliate, a network with no affiliate must offer its prime time and weekend sport events to the independent station with comparable facilities before offering them to either of the two affiliated stations. Both of these rules were deleted effective April 26, 1995. 10 FCC Rcd 4538 (1995).

Pursuant to the directive of the 1996 Telecom Act, the FCC repealed Section 73.358(g) pertaining to the "dual network" operations. That rule prohibited television stations from affiliating with a network that maintains more than one TV network unless the networks are not operated simultaneously or unless there was no substantial overlap between their affiliates. As now in effect, the newly formulated rule permits a TV station to affiliate with an organization that maintains two or more networks unless such dual or multiple networks are composed of: (1) two or more of the four existing networks (ABC, CBS, NBC, FOX); or (2) any of the four existing networks and one of the two emerging networks (WB, UPN). The limitations do not apply if the networks are not operated simultaneously, or if there

is no substantial overlap in the territory served by the group of stations comprising each network. FCC 96-91 (released March 8, 1996).

The Financial Interest and Syndication (FINSYN) rules were deleted effective November 10, 1995. These rules, which have been significantly altered over the years, related to active syndication on the part of TV networks, their involvement in the first-run nonnetwork market, warehousing of programs and the acquisition of a continuing financial interest or syndication right in any first-run nonnetwork program (unless the network has solely produced the program). 10 FCC Rcd 12165 (1995).

Another long-standing network related rule that was repealed by the FCC was the Prime Time Access Rule, that prohibited network-affiliated stations in the top 50 markets from broadcasting more than three hours of network programs (or former network programs) during the four prime time viewing hours. That rule, promulgated in 1970 sought to prevent network dominance of TV station time, a situation that no longer existed a quarter of a century later. The repeal of that rule became effective August 30, 1996. 11 FCC Rcd 546 (1995).

2. TV/Network Rules Still in Effect

After the deletion of the rules discussed above, there are still regulations in effect that govern the TV station/network relations. These are as follows:

a) Exclusive Affiliation. A station may not have a network contract that bars the station from carrying the programs of another network. (FCC Rule 73.658(a)).

b) Territorial Exclusivity. A network affiliation contract may not bar another station in the affiliate's community from carrying that network's programs that the affiliate does not take. This rule does not prohibit the granting to an affiliate of a first call on the network's programs. (FCC Rule 73.658(b)).

c) Option Time. A station may not enter into an agreement with a network under which the station is hindered from scheduling programs before the network agrees to utilize the time during which such programs are scheduled or under which a station is required to clear time already scheduled when the network seeks to use that time. (FCC Rule 73.658(d)).

d) Rejection Right. A station may not enter into a contract with a network under which the station is prevented from rejecting a program that the station believes to be unsuitable or contrary to the public interest or substituting a

program that the station believes to be of greater local or national importance. (FCC Rule 73.658(e)).

e) Dual Network Operation. See p. 159 supra.

f) Control of Station Rates. A network cannot control an affiliate's rates for other than network programs. (FCC Rule 73.658(h)).

g) Network Representation. A network affiliate cannot be represented by its network in the sale of nonnetwork time. Networks, however, may represent their owned stations. (FCC Rule 73.658(i)).

C. EEO PROCEDURES

Employment discrimination on the basis of a person's race or color, religion or creed, sex, national origin, age, disability or veteran status is prohibited in this country as a result of congressional enactment and various state laws.

Federal laws are administered by the Equal Employment Opportunity Commission (EEOC) and by individual government agencies. State laws are administered by the appropriate state agencies. There are also various individual remedies available to parties. Broadcasters also are subject to specific EEO rules and policies promulgated by the FCC, which are discussed in detail below. Under FCC rules, nondiscrimination is not enough. Licensees are required to take specific, systematic and positive steps to facilitate the employment of women and minorities.

The FCC has determined that stations that discriminate on the basis of race, color, sex, religion, or national origin do not operate in the public interest. As a result, the FCC requires all licensees to have an EEO policy that prohibits discrimination on the basis of those characteristics, and to establish and effectuate an EEO program that encourages positive steps to recruit, hire and promote women and minorities.

If a licensee's record is unsatisfactory, the FCC may take various actions, including denial of a license renewal. The FCC also has an arrangement with the EEOC under which the EEOC notifies the FCC of action on discrimination complaints filed against broadcasters. One purpose of this "Memorandum of Understanding," therefore, is to permit the FCC to take its own actions, warranted by the EEOC determination, the licensee's response and other matters of record. Another purpose is to allow the FCC to send the EEOC information on complaints

of discrimination. 70 FCC 2d 2320 (1978). Accordingly, the development and implementation of an effective EEO program is of crucial significance to each and every broadcaster.

In order to evaluate a licensee's compliance with its EEO requirements, the FCC requires the filing of certain reports. All broadcasters who employ five or more full-time employees must fill out completely and file an Annual Employment Report (Form 395-B) by May 31 of each year. (See p. 52 supra.). A station with fewer than five full-time employees is not required to fill out the form completely, but must return the form after indicating that it has fewer than five full-time employees. The Annual Employment Report presents a profile of the station's staff, in terms of race, ethnicity and sex.

Applicants for a construction permit for a new station or who request consent to acquire an existing station, and propose to employ five or more full-time employees, are required to file a Five-Point Model EEO Program (Form 396-A).

All broadcasters who employ five or more full-time employees are required to file an Eight-Point EEO Program Report (Form 396) when they apply for a renewal of their license. For all stations, this EEO program must be designed to assure equal employment opportunity for women and for other protected group members of minorities which, in the aggregate, represent five percent or more of the available labor force in a station's area. Although licensees with less than five full-time employees are not required to file a written EEO program, they nevertheless are encouraged to design and implement such a program and are covered by the FCC's EEO rules. Appendix A contains the latest versions of Forms 395-B and 396.

There are several methods and times at which the FCC reviews station compliance with the EEO regulations.

1. Renewal Time

In reviewing a licensee's record at renewal time, the FCC uses a two-step approach to determine whether the station's EEO efforts have been satisfactory. The first step involves the examination of a station's entire record, including the station's EEO program, any EEO complaints, the composition of the local labor force, the station's staff (as set forth in its annual Form 395-B), and its record of hires and referrals. Stations that meet the stated criteria are recommended for renewal. Stations that do not pass the guidelines or that are the subject of EEO-related complaints are subjected to further inquiry by the way of the letters

requesting documentation of hiring procedures, composition of applicant pools and recruitment sources.

The Commission also uses numerical criteria to determine the effectiveness of a station's EEO efforts. Under these "employment profile screening guidelines," the Commission divides a station's staff into job categories and requires a stated minority (and female) employment level, depending on the size of the station. For stations with 11 or more full-time employees, the FCC's processing guidelines impose a "50/50" standard looking for a minority/female profile at 50 percent of their civilian labor force availability with respect to all full-time station jobs and for the "top-four" job categories (officials and managers, professionals, technicians and sales workers). For stations with between five and ten full-time employees, the FCC guidelines establish a "50/25" standard, which looks for minority/female employment at 50 percent of "parity" overall and at 25 percent of parity in the top four job categories.

The basic document for determining compliance with the processing criteria is the U.S. Census. It shows the availability of minorities and women in the labor force of the Metropolitan Statistical Area (or county, if the station is not located in an MSA). The Commission now uses the 1990 census data. Information concerning a specific market can be obtained from the FCC's EEO branch at (202) 418-1450.

Stations often find themselves in the situation of having to utilize labor force data for an MSA which do not actually reflect their own communities or areas. The proponent of such approach must meet a three-part test. In a recent case (11 FCC Rcd 2403 (1996)), the Commission stated:

> In certain circumstances, we permit licensees to use alternative labor force data if they can demonstrate that the use of such data is appropriate. The standard for such a request is a three part test: (1) the distance of the station from the areas with significant minority population is great; (2) commuting from those areas to the station is difficult (such difficulties may be based on distance but may also be based on other factors such as lack of public transportation); and (3) recruitment efforts directed at the MSA minority labor force have been fruitless.

It is extremely important that information filed with the Commission, initially or in response to inquiries, be as accurate as possible. In Beaumont Branch of the NAACP v. FCC, 854 F.2d 501 (D.C. Cir. 1988), the court ruled that the FCC was required to hold a hearing on a license renewal application where there

was a "pattern of inconsistencies and misstatements that marked the licensee's communications... with the FCC."

Under the FCC's current efforts-based approach to EEO, licensees must keep track of the race and gender of applicants and referral sources from which applicants learn of job vacancies. The Commission has concluded that the gathering of information regarding an applicant's sex or race, if done solely for the purpose of preparing reporting information, "will not subject licensees to liability under state or federal antidiscrimination laws." 4 FCC Rcd 1715 (1989).

Stations are expected to maintain and monitor their recruitment efforts on a continuing basis, not just during the reporting period. Moreover, licensees "should engage in self-assessment periodically throughout the license term, not just at the end of the term."[40]

In almost all EEO-related cases where the Commission had imposed forfeitures or reporting requirements or granted short term license renewal, the stations had not been found guilty of discrimination. Sanctions were imposed because of several main shortcomings:

- Failure to conduct adequate recruitment. As reflected in the recent forfeiture cases, the Commission has placed even greater emphasis on the need to recruit minorities and women for station job openings.

- Failure to keep adequate records. When a Petition to Deny is filed, or when the Commission inquires as to the station's EEO record, it is imperative for a station's successful defense that it maintain records of openings that have become available, of persons or organizations informed of the job availability, of the form of notification, of applicants who have contacted the station as a result of these notifications, of the source of other referrals, of the identity of the person who had been hired and of the source of that referral.

- Failure to "self-assess." The FCC expects stations to examine their referral sources periodically to determine if these sources are effective in providing applicants and to seek other referral sources if the existing sources are unproductive. Faced with this requirement,

[40]It must be stressed that mere compliance with FCC processing criteria is not enough. The station must maintain adequate records documenting its EEO efforts. (FCC 96-250 released July 29, 1996).

broadcasters should maintain "referral productivity charts" on which there is an indication of the effectiveness of a person or organization in providing referrals.

It is extremely important that a notification of job availability contain an indication as to how long the position will be open. There is nothing more discouraging to an applicant — and more conducive to a suspicion of discrimination — than to apply for a job and be told that the job had been filled.

A recent decision by the Supreme Court, Adarand Construction, Inc. v. Pena, ___ U.S. ___, 115 S.Ct. 2097 (1995), has been cited as the basis for challenging the validity of the Commission's EEO rules. The Commission has rejected that challenge.

"The requirements imposed by our EEO Rule, are fundamentally different from a race-based preference program such as that at issue in Adarand. The Rule does not require that any person be hired or accorded a hiring preference based on racial or ethnic status. Rather, it requires that licensees make efforts to recruit minority and women applicants so that they will be ensured access to the hiring process. The ultimate decision as to whether to hire a particular applicant may be premised upon any non-discriminatory considerations, without regard to the applicant's race, ethnicity, or gender status. Further, our Rule does not require licensees to hire any prescribed "quota" of minorities or women. Thus, our EEO Rule imposes no requirement that would operate to deprive any person of a benefit he or she might receive but for his or her race, ethnicity, or gender." 11 FCC Rcd 5154 (1996).

There has been no judicial determination of the validity of the Commission's rationale.

2. Interim Review — Television

Pursuant to the congressional directive contained in the 1992 Cable Act, the Commission enacted a mid-term EEO review procedure under which it conducts a mid-term review of the employment practices of each television station at two and one-half years following the station's most recent license expiration date. The Commission will use the employment profile information provided on the first two Form 395-B reports submitted, following such license expiration date, to determine whether a television station's employment profiles, as compared to the applicable labor force data, are in compliance with the Commission's processing criteria. Television stations whose employment profiles fall below the processing criteria will

receive a letter noting any necessary improvements identified as a result of the review. 8 FCC Rcd 5389 (1993).

D. MAIN STUDIO LOCATION

In 1987, the Commission amended the main studio location rule for radio and television stations to permit stations to locate their main studios within the principal community contour (city grade contour).[41] In addition, stations were no longer required to originate a majority of their nonnetwork programming from their main studios or other points situated within the station's community of license. 2 FCC Rcd 3215 (1987).

The main studio rule set out certain equipment and personnel requirements designed to facilitate service to the community.

> To fulfill this function, a station must equip the main studio with production and transmission facilities that meet applicable standards, maintain a continuous program transmission capability, and maintain a meaningful management and staff presence. Maintenance of production and transmission facilities and program transmission capability will allow broadcasters to continue, at their option, and as the marketplace demands, to produce local programs at the studio. A meaningful management and staff presence will help expose stations to community activities, help them identify community needs and interests and thereby meet their community service requirements. The term 'main studio' continues to designate a broadcast station's only studio when no auxiliary studio is maintained. If a licensee has two or more studios that meet the applicable criteria, it may select one (within its community contour) to designate as its main studio. 3 FCC Rcd 5024 (1988).

A station may have a number of auxiliary studios whose location and equipment are at the licensee's discretion. It is the station's main studio that is the subject of FCC concern.

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[41]The principal community contour is the 5.0 mV/m contour for AM; and the 3.16 mV/m contour for FM. The principal community contour for TV depends on the frequency of the station. For channels 2-6 it is the 74 dbu contour; for channels 7-13 it is 77 dbu contour; and for UHF stations it is 80 dbu contour.

In 1991, the Commission mandated that all stations employ at least one full-time management-level person and one full-time staff person at their main studios. The rulings suggested that it need not be the same two people, but some management-level person and some staff person must always be at the main studio during regular business hours. 6 FCC Rcd 3615 (1991); 6 FCC Rcd 4172 (1991).

In 1992, the FCC relaxed its main studio requirements. Henceforth, a main studio will have a "meaningful managerial presence" where management personnel report to work at the main studio on a daily basis, spend a substantial amount of time there and use the station as a "homebase."[42] The Commission identified the following persons as constituting management personnel for purposes of the main studio rule: president or other corporate officer, general manager, station manager, program director, sales manager, chief engineer with managerial duties, news director, personnel manager, facilities manager, operations manager, production manager, promotion director, research director, controller, and chief accountant.

> To the extent that the staff person may fully perform station functions with time to spare, and coverage of the main studio permits, that person may also take on responsibilities for another business, as long as the main studio remains attended during normal business hours. 7 FCC Rcd 6800 (1992).

When a station is subject to an LMA, staff may be shared with the brokering station with whom the license shares a main studio, but not management, because the latter arrangement could violate the Commission cross-interest policy. DA 92-1607, released Dec. 2, 1992.

When a station's main studio is located outside the community of license, the station is required to maintain a toll free number for the residents of that community if there would be a charge involved in calling the main studio. 7 FCC Rcd 7891 (1992).

The following stations are not required to maintain a main studio within their principal contours:

1. AM stations licensed as synchronous amplifier transmitters (AM boosters).

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[42]The Commission specifically noted that where stations have only one studio and fewer than four employees, where these employees report to the main studio "we have no intention of limiting their ability to leave the studio to conduct station business."

2. An FM station whose main studio is located at the co-located main studio-transmitter site of the commonly owned AM station licensed to the same principal community.

3. Any AM, FM or TV broadcast station whose main studio is located in the community to which the station is licensed to serve at a point situated outside the principal community contour. Or

4. AM, FM or TV stations, when good cause exists for locating the main studio outside the station's principal community contour and that to do so would be consistent with the operation of the station in the public interest. A specific waiver is required.

AM stations that simulcast on a frequency in the 535-1605 kHz band and on a frequency in the 1605-1705 kHz band need only have the studio be located within the 5 mV/m contour of the lower band operation during the term of the simultaneous operating authority. Once the lower band operation has been terminated, the higher band station must have a properly located main studio.

The main studio may be relocated under the following circumstances:

- from one point to another point within the principal community contour or from a point outside the principal community contour to one within it, without specific FCC authority, but notification to the FCC in Washington shall be made promptly; and

- from a point within the principal community contour to one outside it or from one such point outside the community contour to another, only by first securing FCC approval.

No FCC consent is necessary for the relocation of the main studio of an FM station to the co-located main studio-transmitter site of a commonly owned AM station licensed to the same principal community.

NOTE: It is illegal to maintain a studio in the United States from which programs are transmitted to a radio station in a foreign country for the purpose of being broadcast from any radio station in that country into the United States without first obtaining FCC approval. 47 U.S.C. 325(c).

E. TOWER PAINTING AND LIGHTING

For many years the Commission placed the responsibility for tower maintenance and lighting upon the station licensees. In a significant change of policy, the FCC has adopted new rules that shift the primary responsibility for painting and lighting antenna towers from the licensees to the tower owners. The new rules require owners of towers that require FAA approval to register their structures with the FCC. All tower registrations (broadcast, cellular, etc.) will be maintained in a single, comprehensive database that will be available to the general public. Tower owners will be able to register their towers through electronic or conventional mail. (FCC 95-473, released Nov. 30, 1995).

After the new rules are implemented, tower owners will be the FCC's primary point of contact for resolving tower-related problems. However, broadcasters who lease tower space will not be completely relieved of responsibility. The FCC will continue to hold nonowner licensees equally responsible for tower maintenance. The agency will also initiate enforcement actions against non-owner licensees if the tower owner cannot be contacted. Apparently, the FCC has taken this approach out of concern that tower owners may be less inclined (than FCC licensees) to take swift corrective action on painting or lighting problems. By holding licensees and tower owners equally responsible for tower painting and lighting, the FCC has addressed this concern.

In response to a question posed by an FCC Commissioner at the November 28, 1995, FCC Open Meeting, FCC staff indicated that the new rules do not require the FCC to notify licensees when they become primarily responsible for their tower's painting and lighting due to the owner's negligence. Therefore, each licensee should continue to monitor its tower's lights, and the condition of its tower's paint, to avoid liability for the tower owner's negligence.

Owners of existing towers must register their structures in accordance with the following schedule:

State:	Date to file by:
Michigan, Montana, Arizona, Hawaii, North Carolina, Alaska, New Mexico, New York, Massachusetts, Missouri	July 1-October 31, 1996
Illinois, Wyoming	Nov. 1-30, 1996
Nevada, Oklahoma, Puerto Rico	Dec. 1-31, 1996
California, Ohio	Jan. 1-Feb. 28, 1997
Iowa, Virginia	March 1-31, 1997
American Samoa, Gulf of Mexico, Georgia, Guam, Northern Mariana Islands, Virgin Islands	April 1-30, 1997
Louisiana, Maine, Rhode Island	May 1-31, 1997
Colorado, Minnesota	June 1-30, 1997
Nebraska, Pennsylvania	July 1-31, 1997
Florida, Indiana	Aug. 1-Sept. 30, 1997
Delaware, Kansas, Washington	Oct. 1-31, 1997
New Hampshire, Oregon, West Virginia, Wisconsin	Nov. 1-30, 1997
Alabama, District of Columbia, Maryland	Dec. 1-31, 1997
Arkansas, North Dakota, Utah	Jan. 1-31, 1998
Idaho, Mississippi, South Dakota, Vermont	Feb. 1-28, 1998
Kentucky, Tennessee	March 1-31, 1998
New Jersey, South Carolina, Connecticut	April 1-30, 1998
Texas	May 1- June 30, 1998

A tower registration form (FCC 854-R) is included in Appendix A. The owner of the tower must supply a copy of that form to each tenant licensee/permittee. In case of discrepancies between the information contained in

the registration form and the licensee's operating authority, the FCC must be notified.

F. LICENSEE PARTICIPATION IN DRUG TRAFFICKING

On September 29, 1989, the Commission issued a public notice regarding licensee participation in drug trafficking. 4 FCC Rcd 7533 (1989).

Because of the importance of this document it is reproduced here in its entirety, except for legal citations.

Broadcasters are encouraged to make this policy statement available to their employees.

Text of FCC Policy on Drug Trafficking

> This public notice clarifies Federal Communications Commission policies regarding the participation of private radio, common carrier, broadcast, and other licensees in drug trafficking.
>
> Eradicating illicit trafficking in narcotics, drugs and other controlled substances today is a major Federal public policy priority. This is evidenced by congressional, judicial and presidential actions and declarations. Last year, for example, Congress passed the Anti-Drug Abuse Act of 1988, which includes a provision (Section 5301) permitting judicial denial of federal benefits to persons convicted of drug offenses. The President recently transmitted to Congress his plan for implementing that statute. Drug trafficking is severely affecting the health and safety of millions of Americans, and the contribution that they could otherwise make to our society. As President Bush recently stated:
>
> > All of us agree that the gravest domestic threat facing our nation today is drugs. Drugs have stained our faith in our system of justice. Our courts, our prisons, our legal system are stretched to the breaking point. The social costs of drugs are mounting. In short, drugs are sapping our strength as a nation.
>
> The Commission has no evidence indicating that the incidence of drug trafficking on the part of FCC licensees, or the employees of

licensees, exceeds that of American society generally. The Commission nevertheless regards drug trafficking as a matter of the gravest concern and intends to apply policies that reinforce both private and government efforts to eradicate drug trafficking.

Accordingly, absent extenuating or mitigating circumstances, the Commission intends promptly to take all appropriate steps, including initiation of license revocation proceedings, where information comes to our attention that FCC licensees or their principals have been convicted of drug trafficking. While our statement today is intended to apply to licensees in all FCC services and is not motivated by a concern regarding any particular service, we note that drug trafficking convictions fall within the scope of conduct the Commission may consider under existing policy in the broadcast area.

In addition, licensees and permittees in all services are advised that the Commission encourages maximum possible effort on their part to stem the national problem of drug trafficking. In this regard, the adoption of drug counseling, drug education, and other similar programs by licensees and permittees is encouraged. Licensees and permittees should also prohibit the use of drugs by employees while at work.

***

In January 1991, the Commission revoked the license of WKSP, Kingstree, South Carolina, based on the drug conviction of a principal and the station's failure to report that drug conviction. 6 FCC Rcd 340 (1991), aff'd 6 FCC Rcd 4823 (1991). See also 10 FCC Rcd 3950 (1995).

G. TIME BROKERAGE

Time brokerage is the sale by a licensee of discrete blocks of air time to a broker who supplies the programming and sells commercial spot announcements during the brokered time period.

If more than 15 percent of a radio station's time is brokered by another radio station, the arrangement is subject to specific ownership and reporting rules. See p. 144.

Historically, time brokerage has been used to provide specialized programming, particularly foreign language programming. The FCC originally frowned upon the time brokerage concept, expressing concern that time brokerage would allow licensees to abdicate their responsibility to program in the public interest.

In 1980, the FCC decided to encourage time brokerage as a competitive mechanism enabling the market to respond to audiences otherwise denied specialized programming.

When negotiating a time brokering arrangement, it is essential, for the protection of the licensee, that certain elementary issues be addressed and included in the brokerage contract.

- Preservation of licensee control over all program and commercial content.

- Adherence by the time broker to FCC rules on truth in advertising, sponsorship identification and full disclosure regarding compensatory arrangements.

- Periodic affidavits by time brokers attesting to compliance with FCC rules and policies and station standards regarding program content and continuity acceptance.

Licensees remain ultimately responsible for the programming aired during brokered time, although individual brokers may also be held accountable for violations of the FCC's rules.

Finally, it should be noted that, in the political broadcast context, the FCC has stated that "time brokerage, by its very nature, can be considered a separate 'class' subject to different lowest unit charge strictures." However, not all time-brokered programming can be considered a different class. For example, a broadcaster who carries a general audience format, but brokers time for another general format, could not establish a different lowest unit charge for each of the two formats. On the other hand, the broadcaster who has a general format and brokers time for specialized minority or foreign language programming should be able to establish that the audience differences were such that having separate political rates would be reasonable. 82 FCC 2d 107 (1980).

As the licensee is responsible for the material broadcast on the station, it is IMPERATIVE that the licensee establish an effective method of controlling the

material aired during the brokered period, particularly on foreign language programs.

H. TERRITORIAL EXCLUSIVITY IN NONNETWORK ARRANGEMENTS

A television station may not enter into any arrangement with a non-network program producer, distributor, or supplier that prevents or hinders another television station located in a community over 56.3 kilometers (35 miles) away from broadcasting any program purchased by the former station from such nonnetwork program producer, distributor, or supplier, except that a television station may secure exclusivity against a television station licensed to another designated community in a hyphenated market. As used in this paragraph, the term "community" is defined as the community specified in the station's license.

A television station may, however, enter into a contract, arrangement or understanding with a producer, supplier or distributor of a nonnetwork program if that contract, arrangement or understanding provides that the broadcast station has exclusive national rights such that no other television station in the United States may broadcast the program.

I. ENVIRONMENTAL REGULATIONS

RF Radiation

The National Environmental Policy Act of 1969 imposes upon the FCC the duty of ensuring that its actions do not "significantly affect the human environment."

In 1979, the Commission instituted proceedings to effectuate its responsibility. One of the factors to be considered was human exposure to RF[43] radiation from FCC-licensed sources. In 1985, the Commission adopted the RF exposure standards promulgated in 1982 by the American National Standards Institute (ANSI). On August 1, 1996, the FCC adopted a Report and Order in Docket 93-62 adopting new guidelines and methods for evaluating the environmental effect of RF radiation. (FCC 96-326, released August 1, 1996).

[43]RF is the shorthand term for "radio frequency."

The Commission adopted Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters operating at frequencies from 300 kHz to 100 GHz. These MPE limits are generally based on recommendations of the National Council on Radiation Protection and Measurements (NCRP) and, in many respects, are also generally based on the guidelines issued by the Institute for Electrical and Electronics Engineers, Inc. (IEEE) and subsequently adopted by the ANSI as an ANSI standard (ANSI/IEEE C95.1-1992). The Commission also adopted limits for specific absorption rate (SAR) for evaluating certain hand-held devices, such as cellular and PCS telephones, based on ANSI/IEEE and NCRP recommendations.

The new RF guidelines will apply to applications for stations filed with the FCC after January 1, 1997. The Commission said this should provide a reasonable transition period for parties to come into compliance with the new requirements. Guidelines and requirements for evaluation of hand-held devices will apply immediately.

The Commission also incorporated in its rules provisions of Section 704 of the 1996 Telecom Act that preempt state or local government regulation of personal wireless services facilities based on RF environmental effects, to the extent that such facilities comply with the Commission's rules concerning such RF emissions. (FCC 96-326, released August 1, 1996).

The NAB publishes a widely circulated, and now being revised, monograph A Broadcaster's Guide to FCC RF Radiation Regulation Compliance. Readers are encouraged to consult the Guide for detailed technical specifications and comments. A copy may be obtained by calling (800) 368-5644.

Any applicant for a construction permit or renewal must certify that the grant will not result in an exposure of humans to radiation levels above the FCC standards. 100 FCC 2d 543 (1985). As indicated on p. 14 supra., FCC applications contain a certification to that effect.

PCBs

In 1976, Congress passed the Toxic Substance Control Act, directing the EPA to regulate Polychlorinated biphenyls (PCBs). Many of the older transformers, capacitors, voltage regulators and similar pieces of equipment used by stations may contain PCBs. Three rules of particular interest to broadcasters are:

1. all PCB transformers and high voltage capacitors must be marked to indicate that they contain PCBs;

2. vaults, doors and other similar means of access to a PCB transformer must be marked; and

3. large high-voltage capacitors and large low-voltage capacitors cannot be used in any manner that poses any risk of exposure to food. 40 CFR Part 761.

The NAB has published A Broadcaster's Guide to EPA PCB and UST Regulation Compliance. Readers are encouraged to consult the guide for a detailed technical discussion of this problem.

J. LABOR RELATIONS

The field of labor law, generally, is beyond the scope of this work. Nevertheless, as a service to broadcasters, we are listing six notices that are generally required to be posted by federal law. It is suggested (and often required) that these notices be posted in a conspicuous place. There may be additional state-required postings.

Equal Employment Opportunity — The EEOC requires employers with at least 15 employees to notify employees and job applicants as to the law prohibiting employment discrimination based on race, color, religion, sex, disability, national origin and age, as well as the law mandating equal pay for equal work. Stations that may be federal contractors or subcontractors have additional requirements regarding veterans. For the EEOC poster covering these areas, call (800) 669-3362 (TDD (800) 800-3302).

FCC Equal Employment Opportunity — FCC regulations also suggest that licensee EEO programs include notification of employee and applicant rights. NAB's Equal Employment Rights Notice helps provide such notification. Call (800) 368-5644.

Wage and Hour — The Wage and Hour Division of the U.S. Department of Labor requires notification of employee rights under the Fair Labor Standards Act. The Division's poster covers such areas as federal minimum wage and child labor. For this free poster call the Wage and Hour Division at (202) 219-7043 and ask for WH Publication 1088. For more information on wage and hour law, consult NAB's Wage and Hour Guide for Broadcasters. A copy may be obtained from NAB Services, (800) 368-5644.

In a decision with potentially industry-wide implications, an appellate court has ruled that general assignment reporters, producers, directors and assignment

editors of a certain Texas television station were not exempt from federal overtime provisions, and were, therefore, entitled to time and a half for all hours worked in excess of 40 hours per week. However, the decision was very fact specific and made clear that it applied only to the operations of the station in question. Dalheim v. KDFW-TV, 706 F.Supp. 493 (N.D. Tex. 1988), aff'd 918 F.2d 1220 (5th Cir. 1990).

However, on April 2, 1996, the U.S. Court of Appeals for the Second Circuit reversed a lower court decision in Freeman v. NBC, 846 F.Supp. 1109 (S.D.N.Y. 1993) rev'd 80 F.3d 78 (2nd Cir. 1996). The circuit court ruled that the Labor Department's interpretation of the artistic professional exemption is "non-binding, outdated and inapplicable to the present case." It also held that the lower court erred by applying the interpretation to the "short test" for determining exemptions of workers making more than $250 per week. The interpretation was designed to apply only to workers making more than $170 but less than $250 per week. The circuit court found the newspeople to be exempt as artistic professionals.

Polygraph Testing — Employees and job applicants must be notified regarding prohibitions contained in the Employee Polygraph Protection Act. The notice required by federal law can be obtained free from the Wage and Hour Division at the number above. Ask for WH Publication 1462.

Family Leave — As of August 5, 1993, all employers with 50 or more employees must post a notice of their employees' rights under the Family and Medical Leave Act (FMLA). A poster that meets FMLA requirements is available from the Labor Department by calling (202) 219-7043 and asking for WH Publication 1420. The poster can also be found on page 31,839 of the June 4, 1993, *Federal Register*. In addition to the general notice requirements, employers must also furnish more specific guidance on company policies and benefits, via employee handbooks or written information when employees request FMLA leave. NAB counsel Memo L-9305 outlines FMLA requirements. Stations should consult with their own counsel regarding the best method of conveying FMLA information.

Job Safety and Health Protection — Federal law also requires that employees be notified of occupational safety and health regulations. OSHA Publication 2203 provides the required notice. Call (202) 219-4667.

In addition to the required notices mentioned above, stations should develop a written sexual harassment policy, which should be posted in a conspicuous place and distributed to all employees. Although a written policy is not required by law, the EEOC has stated that lack of a written policy will be prima facie evidence that an employer has condoned sexual harassment by its employees. A sample sexual harassment policy is included as Appendix J. NAB's A Broadcaster's EEO

Handbook contains detailed information on developing and implementing a sexual harassment policy.

K. OPERATING HOURS

Commercial and noncommercial educational TV and commercial FM stations are licensed for unlimited time operations, but application may be made for voluntary share time operation.

Noncommercial educational FM stations are licensed for unlimited and share time operation.

AM stations in the 535-1705 kHz band will be licensed for unlimited time. In the 535-1605 kHz band, stations that apply for share time and specified hours operations may also be licensed. AM stations licensed to operate daytime-only and limited-time may continue to do so; however, no new such stations will be authorized, except for full-time stations that reduce operating hours to daytime-only for interference reduction purposes. (FCC Rule 73.1705).

There are detailed rules governing operation of daytime and limited-time stations, including pre sunrise and post sunset.

The following are the minimum operating schedules:

Commercial Stations

1. AM and FM stations. Two-thirds of the total hours that they are authorized to operate between 6 a.m. and 6 p.m. local time and two-thirds of the total hours they are authorized to operate between 6 p.m. and midnight, local time, each day of the week except Sunday.

a) Class D AM stations that have been authorized nighttime operations need comply only with the minimum requirements for operation between 6 a.m. and 6 p.m., local time.

2. TV stations. During the first 36 months of operation, not less than 2 hours daily in any 5 broadcast days per calendar week and not less than a total of:

a) 12 hours per week during the first 18 months;

b) 16 hours per week during the 19th through 24th months;

c) 20 hours per week during the 25th through 30th months;

d) 24 hours per week during the 31st through 36th months; or

e) After 36 months of operation, not less than two hours in each day of the week and not less than a total of 28 hours per calendar week.

Visual transmissions of test patterns, slides, or still pictures accompanied by unrelated aural transmissions may not be counted in computing program service. (FCC Rule 73.1740).

Noncommercial Stations

Noncommercial educational AM and TV stations are not required to operate on a regular schedule and no minimum hours of operation are specified, but the hours of actual operation during a license period shall be taken into consideration in the renewal of noncommercial educational AM and TV broadcast licenses. Noncommercial educational FM stations are required to operate at least 36 hours per week consisting of at least five hours of operating per day on at least six days of the week. Stations licensed to educational institutions are not required to operate on Saturday or Sunday or to observe the minimum requirements during vacation or recess periods. (FCC Rule 73.561).

L. AUTHORITY TO REMAIN SILENT

When causes beyond the control of a licensee make it impossible to adhere to the operating schedule or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee must continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30-day period, the licensee must notify the FCC. If the causes beyond the control of the licensee make it impossible to comply within the allowed period, an informal written request must be made to the FCC no later than the 30th day for such additional time as may be deemed necessary. (FCC Rule 73.1740).

IF A STATION REMAINS SILENT FOR TWELVE (12) CONSECUTIVE MONTHS, ITS LICENSE EXPIRES AUTOMATICALLY AT THE END OF THAT PERIOD. THIS EXPIRATION IS DICTATED BY SECTION 403(l) OF THE 1996 TELECOM ACT.

M. TERMINATION OF OPERATIONS

In the case of permanent discontinuance of operation, the operator of the station must notify the FCC at least two days before the termination and immediately after discontinuance must return to the FCC for cancellation of all of the outstanding licenses. (FCC Rule 73.1750).

N. POSTING OF LICENSES

The station license and any other instrument of station authorization must be posted in a conspicuous place and in such a manner that all terms are visible at the place that the licensee considers to be the principal control point of the transmitter.

The required posting must be done by affixing the license to the wall at the posting location, or by enclosing it in a binder or folder that is retained at the posting location so that the document will be readily available and easily accessible. (FCC Rule 73.1230).

The previous rules dealing with the posting of operator licenses were eliminated by the Commission's decision permitting the unattended operation of broadcast stations. 10 FCC Rcd 11479 (1995).

O. MAJOR OPERATING REQUIREMENTS

The detailed engineering and technical specifications for broadcast stations can be found in the NAB Engineering Handbook available from the NAB. INCLUDED IN THE APPENDICES ARE FCC CHECKLISTS FOR RADIO AND TV STATIONS LISTING MAJOR TECHNICAL AND ADMINISTRATIVE REQUIREMENTS.

The following sections highlight some of the main aspects of technical operations.

Operating Power

All AM and FM stations operating with more than 10 watts must maintain operating power between 90 percent and 105 percent of the authorized power. For television stations, the visual output power must be maintained within 80 percent to 110 percent of the authorized power. Stations should maintain their authorized power as near as possible to their authorized power. FM stations operating with authorized transmitter output power of 10 watts or less may operate at less than authorized power, but not more than 105 percent of the authorized power. (FCC Rule 73.1560).

Unless it is not possible or appropriate, all AM stations shall determine output power by the direct method. Stations should review the appropriate rule section shown for any further information on this topic. (FCC Rule 73.51).

The operating power of FM stations may be determined by either the direct or indirect method. (FCC Rule 73.267).

Television stations must maintain the visual output power of the transmitter as near as practical to the authorized power, but not less than 80 percent or more than 110 percent of the authorized power.

The rules call for the direct method of determining the operating power of each TV visual transmitter. The detailed instructions and methods are listed in FCC Rules 73.1560 and 73.664.

In the event it becomes technically impossible to operate at authorized power, a station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, a notification must be sent to the FCC, Mass Media Bureau, no later than the 10th day. If normal power is restored prior to the expiration of the 30-day period, the licensee must notify the FCC upon restoration of normal operation. (FCC Rule 73.1560(d)).

Frequency Tolerances

The carrier frequency for AM monophonic transmissions or the center frequency for stereophonic transmissions may not depart more than 20 Hz from the assigned frequency. (FCC Rule 73.1545).

The departure of the carrier or center frequency of an FM station with a licensed output power of more than 10 watts may not exceed 2000 Hz from that

authorized. For stations operating with 10 watts or less the tolerance is 3000 Hz. (FCC Rule 73.1545).

The departure of the visual carrier frequency of a TV station may not exceed 1000 Hz from that authorized. The aural carrier frequency may not exceed 1000 Hz from the actual visual carrier frequency plus exactly 4.5 MHz. (FCC Rule 73.1545).

Modulation Limits

AM Stations — The amplitude modulation of the carrier wave must not exceed 100 percent on the negative peaks of frequent recurrence or 125 percent on positive peaks at any time. (FCC Rule 73.1570).

FM Stations — The total modulation may not exceed 100 percent on peaks of frequent recurrence referenced to 75 kHz deviation. However, stations using subcarriers (SCAs) may increase the peak modulation .5 percent for each one percent subcarrier injection up to a total of 110 percent (82.5 kHz peak deviation). (FCC Rule 73.1570).

TV Stations — The total modulation of the aural carrier may not exceed 100 percent on peaks of frequent recurrence, unless some other peak modulation level is specified in an instrument of authorization. For monophonic transmissions, 100 percent modulation is defined as 25 kHz deviation. (FCC Rule 73.1570).

Each licensee must conduct periodic complete inspections of the transmitting system to ensure proper operations. (FCC Rule 73.1580).

P. DESIGNATION OF CHIEF OPERATOR

Each AM, FM or TV station must designate a person to serve as the station's chief operator. At times when the chief operator is unavailable or unable to act (e.g., vacations, sickness), the licensee should designate another licensed operator as the acting chief operator on a temporary basis.

The chief operator shall be employed or serve on the following basis:

1. The chief operator for an AM station using a directional antenna or operating with greater than 10 kW authorized power or a TV station is to be an employee of the station on duty for whatever number of hours each week necessary

to keep the station's technical operation in compliance with FCC rules and the terms of the station authorization.

2. Chief operators for nondirectional AM stations operating with authorized powers not exceeding 10 kW and for FM stations may be either an employee of the station or engaged to serve on a contract basis for whatever number of hours each week necessary to keep the station's technical operation in compliance with the FCC rules and terms of the station authorization.

3. The designation of the chief operator must be in writing, with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files. (FCC Rule 73.1870).

Q. OPERATORS ON DUTY - UNATTENDED OPERATIONS

In its proceeding involving unattended station operations (10 FCC Rcd 11479 (1995)), the Commission removed various requirements of former FCC Rule 73.1860 pertaining to the presence and activities of operators on duty. Instead, the new Rule 73.1300 provides that:

> Stations may be operated as either attended (where a designated person is responsible for the proper operation of the transmitting apparatus either at the transmitter site, a remote control point or an ATS control point) or unattended (where highly stable equipment or automated monitoring of station operating parameters is employed). No prior FCC approval is required to operate a station in the unattended mode. Regardless of which method of station operation is employed, licensees must employ procedures which will ensure compliance with Part 11 of this chapter, the rules governing the Emergency Alert System (EAS).

The Commission added a new rule (73.1350), which places on the licensee the responsibility for maintaining and operating its broadcast station in a manner that complies with the technical rules and in accordance with the terms of the station authorization.

The licensee must designate a chief operator and may designate one or more technically competent persons to adjust the transmitter operating parameters for compliance with the technical rules and the station authorization.

The rule prescribes in great detail the activities and procedures involved in unattended station operations. Because of the importance of these rules and the increase in the number of unattended operations, the newly enacted FCC Rules 73.1350 and 73.1400 can be found in Appendix K.

R. REGULATORY FEES

Pursuant to Section 9(a) of the Communications Act, the Commission is required to assess regulatory fees to recover the cost of its enforcement, policy and rulemaking, user information and international activities. On July 5, 1996, the Commission released its Schedule of Regulatory Fees for fiscal 1996. A copy of the schedule is included in Appendix I.

Payment of the fee can be made by check, draft or money order, payable to the FCC, or by Visa or MasterCard credit card.

Payments may be sent as follows:

AM Stations	FCC AM Branch P.O. Box 358835 Pittsburgh, PA 15251-5835
FM Stations	FCC FM Branch P.O. Box 358835 Pittsburgh, PA 15251-5835
TV Stations (VHF)	FCC TV Branch P.O. Box 358835 Pittsburgh, PA 15251-5835
TV Stations (UHF)	FCC UHF Commercial P.O. Box 358835 Pittsburgh, PA 15251-5835

Satellite (UHF and VHF)	FCC Satellite TV P.O. Box 358835 Pittsburgh, PA 15251-5835
Low Power TV TV/FM Translators TV/FM Booster	FCC Low Power P.O. Box 358835 Pittsburgh, PA 15251-5835
Broadcast Auxiliary	FCC Auxiliary P.O. Box 358835 Pittsburgh, PA 15251-5835

THE PAYMENT OF REGULATORY FEES SHOULD NOT BE CONFUSED WITH THE PAYMENT OF FILING FEES. THE FORMER IS AN ANNUAL IMPOSITION WHILE THE LATTER IS TRIGGERED BY THE FILING OF A SPECIFIED DOCUMENT.

Payments for the 1996 fiscal year are due between September 12 and September 20, 1996.

Government entities and noncommercial operators are exempt from payment of regulatory fees. (FCC Rule 1.1162).

PART V —
THE NUTS AND BOLTS OF REGULATION

A. ALLOCATIONS AND FREQUENCIES

B. AM STATION MIGRATION AND DAYTIMER RELIEF

C. TRANSLATORS

D. LOW POWER TELEVISION STATIONS (LPTV)

E. UPGRADES OF FM STATIONS

F. EMERGENCY BROADCAST SYSTEM (EBS) AND EMERGENCY ALERT SYSTEM (EAS)

G. OVER THE HORIZON

H. FCC ETIQUETTE

I. TELEVISION SATELLITE STATIONS

J. SUBSCRIPTION TELEVISION

K. VERTICAL BLANKING INTERVAL (VBI)

L. AUXILIARY SERVICES

M. CLOSED CAPTIONING/VISUAL DESCRIPTION

PART V —
THE NUTS AND BOLTS OF REGULATION

A. ALLOCATION AND FREQUENCIES

Broadcasting is sound and vision and a combination of both. AM radio operates on frequencies 535 kHz to 1705 kHz (with the 1605 to 1705 kHz portion recently allocated as part of AM band expansion). (See p. 191 below). FM radio operates on 88 MHz to 108 MHz. Television operates on 54 MHz to 88 MHz and 174 MHz to 216 MHz (VHF) and 470 MHz to 806 MHz (UHF).[44] There is also a plethora of auxiliary stations and facilities (e.g., microwave relays, electronic newsgathering (ENG) and other remote broadcasting operations) serving and supplementing the stations in these services.

Because AM radio is the oldest and grew up on a topsy-turvy world, frequencies are assigned in a complex system of protecting service contours through variations of antenna height and power. FM radio and TV frequencies are allotted to communities in respective Tables of Allotment,[45] which were established following comprehensive proceedings in the early days of the media.

These Tables of Allotment are not static and are frequently changed. A petition to change the allotment — a rule making petition — may be filed by any party. It must be accompanied by an engineering showing that indicates compliance with allotment principles and technical feasibility and by an expression of intent to apply for and operate the facility if the allotment is made.

If the petition is complete and feasible, the Commission will issue a Notice of Proposed Rulemaking inviting comments from the public. The original petitioner has an opportunity to respond. Depending on the result of the proceeding, the Commission may deny the petition or may make the requested change. It may also

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[44]As part of its advanced television rule making, the FCC has proposed to reallocate certain TV frequencies to other communication services.

[45]Educational FM stations are allotted 87.9 MHz to 91.9 MHz but are not assigned to individual communities. Educational TV stations operate on specially reserved channels assigned to communities in the Table of Allotments. The 87.9 FM MHz frequency is available only on a restricted basis.

issue a Further Notice of Proposed Rule Making to explore any additional issues that may have surfaced.

If a channel is added, the original petitioner — and such other parties as may desire — can apply for a construction permit.

In case of conflicting applications, a hearing will be held to determine the successful applicant. The criteria for awarding the construction permit and the current freeze on such comparative hearings are discussed on pp. 20-23 supra.

There are certain exceptions to this scheme. For instance, if an FM operator wishes to upgrade the station by proposing to remove its present frequency from the community and substitute a more favorable one to which it will seek modification, and at the same time proposes to add one more frequency to the community, only applications for the latter channel will be accepted and the frequency to which the station proposes to move will be protected from competing applications.

Each of the media, AM, FM and TV, has certain classifications.

AM

1. Clear channel. A clear channel is one on which stations are assigned to serve wide areas. These stations are protected from objectionable interference within their primary service areas and, depending on the class of station, their secondary service areas. Stations operating on these channels are classified as follows:

a) Class A station. A Class A station is an unlimited time station that operates on a clear channel and is designed to render primary and secondary service over an extended area and at relatively long distances from its transmitter.

b) Class B station. A Class B station is an unlimited time station that is designed to render service only over a primary service area.

c) Class D station. A Class D station operates either daytime, limited time or unlimited time with nighttime power less than 0.25 kw. Nighttime operations of Class D stations are not afforded protection and must protect all Class A and Class B operations during nighttime hours.

2. Regional channel. A regional channel is one on which Class B and Class D stations may operate and serve primarily a principal center of population and the rural area contiguous thereto.

3. Local channel. A local channel is one on which stations operate unlimited time and serve a community and the suburban and rural areas immediately contiguous thereto.

a) Class C station. A Class C station is a station operating on a local channel and is designed to render service only over a primary service area that may be reduced as a consequence of interference.

The term "primary service area" is defined as one "in which the groundwave is not subject to objectionable interference or objectionable fading."

There are detailed engineering qualifications and conditions for the listed classes of stations. (FCC Rule 73.21).

Different frequencies are assigned to various classes of channels. (These can be found in Sections 73.25, 73.26 and 73.27 of the Commission's rules).

TV

TV stations are either full power or low power, and operate on assigned channels, either VHF (channels 2-13) or UHF (channels 14-69). Channel 37, 608-614 MHz, is reserved exclusively for radio astronomy service.

FM

There are detailed engineering qualifications describing classes of FM stations. The following table lists the general minimum and maximum power and antenna height requirements.

Station Class	Minimum ERP	Maximum ERP	Reference HAAT in meters (ft)	Class contour distance in kilometers
A	0.1 kW	6 kW (7.8 dBk)	100 (328)	28
B1	6 kW	25 kW (14.0 dBk)	100 (328)	39
B	25 kW	50 kW (17.0 dBk)	150 (492)	52
C3	6 kW	25 kW (14.0 dBk)	100 (328)	39
C2	25 kW	50 kW (17.0 dBk)	150 (492)	52
C1	50 kW	100 kW (20.0 dBk)	299 (981)	72
C	100 kW	100 kW (20.0 dBk)	600 (1968)	92

Class C stations must have an antenna height above average terrain (HAAT) of at least 300 meters (984 feet). No minimum HAAT is specified for Class A, B1, B, C3, C2 or C1 stations. There are certain exceptions in the minimum requirements for all stations except Class C, and in the maximum requirements for stations in Puerto Rico and the Virgin Islands. (FCC Rule 73.211).

B. AM STATION MIGRATION AND DAYTIMER RELIEF

1. Migration

After years of deliberation, the Commission adopted new technical assignment criteria for the AM Broadcast Service. 6 FCC Rcd 6273 (1991). While the voluminous decision makes numerous changes in the technical aspects of the AM medium, it also affects the operations procedures of stations that are affected by new rules.

As part of its revised regulation, the Commission has opened up the 1605-1705 kHz band to stations operating on the present AM band (535-1605 kHz) and will permit, at such time as its band expansion plan finally is implemented, stations to "migrate" to the new band, as part of an effort to reduce interference. Initial eligibility to migrate will be restricted to existing licensees.

For a period of approximately five years following the grant of program test authority for the new station, existing stations will be permitted to operate both their present and new facilities (as an exception to the local and national multiple ownership rules). Once a facility is licensed on the expanded band, and the transition period has expired, the "old" facility will fall silent. The existing and expanded station will be permitted to simulcast. Such simulcasting operation will be required to maintain only one main studio — to be located within the 5 mV/m contour of the lower band operation. When that operation ceases, the main studio will be required to be located within that contour of the higher band operation. During the period of simulcasting, station identification announcements will be permitted to be made jointly. The call letters of both stations may be conformed. The local numerical multiple ownership restrictions will not apply.

Following extensive litigation and revisions, the FCC staff announced its "Allotment Plan," which will permit 87 AM stations in the expanded band. Original estimates projected that some 200-300 stations would be eligible to move. However, as the edition was going to press, even this latest allotment plan was the subject of reconsideration petitions at the FCC.

The Commission proposes to issue a further public notice announcing that each licensee that was allotted a frequency, and thus selected for migration to the expanded band, will be afforded a 60 day period in which to file an application for construction permit authority on the allotted channel. Such licensees will also be notified individually by letter. Applications will be subject to Petitions to Deny but not to competing applications. Application procedures will be set forth in the further public notice. Construction of the new facilities cannot commence until issuance by the Commission of a construction permit for the allotted frequency. (FCC DA 96-408, released March 22, 1996).

A copy of the Allotment Plan can be found in Appendix L.

2. Daytimer Relief

Following a congressional requirement to grant, if possible, full-time status to AM daytimers in cities with a 100,000 or more population and within a Class I (now AM Class A) station primary service area, the Commission established a policy for reviewing such applications.

When notified in writing by a qualified licensee that it wishes to provide full-time service, the Commission's staff will explore the possibility of:

a) upgrading to full-time service on the existing channel;

b) upgrading to an adjacent channel; or

c) upgrading to another AM channel, including priority on the expanded AM band. 7 FCC Rcd 4905 (1992).

C. TRANSLATORS

Translators are stations that receive the signals of a station and simultaneously retransmit those signals on another frequency.

1. FM Translators

FM translators were first authorized in 1970 as a means of bringing service to areas that were unable to receive satisfactory service due to distance or intervening terrain obstructions. The Commission imposed certain restrictions on their service, financial support and program origination.

After 20 years experience, the Commission revamped the FM translator rules to ensure that these stations do not adversely affect full-service FM stations and to preserve the secondary nature of the FM translator service.

Because the new rules were both retroactive and prospective in nature, the Commission permitted existing FM translator stations until June 1, 1994, to come into full compliance with the new rules. On the other hand, translator stations authorized after the effective date of the new rules were required to comply immediately with the new technical rules. 5 FCC Rcd 7212 (1990). See also 8 FCC Rcd 5093 (1993).

Thus, by June 1, 1994, all FM translators became subject to all the new rules.

Essentially, there are two kinds of FM translators: (1) fill-in translators — those whose service area is entirely encompassed by primary contours[46] of the "mother station" being rebroadcast; and (2) "extending" or "other area" translators — those extending the primary contour of the "mother station."

There are important differences between the two kinds of FM translators. A "fill-in" translator can be owned either by the "mother station" or by a third party. An "extending" translator cannot be owned by the "mother station." In fact, in the latter situation, the "mother station," or any entity connected with that station, cannot support, directly or indirectly, the operation or construction of the translator either before or after the translator goes on the air. On the other hand, a "fill-in" translator suffers no such restriction. However, such a translator cannot extend the coverage of the "mother station." Noncommercial FM translators are not subject to these "fill-in" restrictions.

All FM translators, including noncommercial translators, may operate on any of the 80 nonreserved commercial channels. The 20 reserved noncommercial channels are available for use only by noncommercial translators.[47]

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[46]These contours are:

a. predicted 0.5 mV/m contour for commercial Class B station;
b. predicted 0.7 mV/m contour for commercial Class B1 station; and
c. predicted 1.0 mV/m contour for all other classes of commercial stations, as well as for all noncommercial stations.

[47]Noncommercial FM translators owned by the "mother station" may, under certain conditions, use alternative program delivery methods such as space satellites. Commercial stations may only use terrestrial delivery means.

The maximum permitted ERP for translators is 250 watts.

Because of international agreements, translator stations located within 320 kilometers of the Canadian border cannot be accepted for filing if they specify more than 50 watts ERP in any direction or have a 34 dBu interference contour that exceeds 32 km. Stations located within 320 kilometers of the Mexican border are limited to a transmitter power output of 10 watts or less. (FCC Rule 74.1235(d)).

FM translators are a secondary service and are authorized subject to the condition that they cause no interference, either predicted or actual, to the direct off-air reception of full service stations.

Existing FM translators are entitled to protection against both predicted and actual interference from subsequently approved FM translator stations. FM translator stations are authorized on a "first in time, first in right" basis, thus assuring their listeners' protection from newly authorized translators. However, no such protection exists against interference from full-service FM stations, even those authorized after the translator began operation.

Over the years, the Commission has extensively studied the problem of interference between FM translators and VHF television stations operating on Channel 6. FM stations operating on channels 202-220 and located at a distance of 131-148 kilometers must show compliance with the requirement of no-overlap of their interference field strength contour with any Channel 6 grade B contour. A station operating on these channels but located 0.4 kilometers or less from a Channel 6 station must certify that it has coordinated its antenna with the Channel 6 station, noncommercial FM translator stations authorized prior to June 1, 1991, with facilities that do not comply with the Channel 6 predicted interference protection provisions may continue to operate as long as the operation does not cause actual interference to the TV station. All new applications and applications to modify facilities, whether first authorized prior to June 1, 1991, must specify facilities that comply with the current rules.

FM translators are not considered in the computations under the multiple ownership rules. These stations may originate programming only in cases of emergency, or to solicit or acknowledge donations to defray the cost of translators. These latter announcements are limited to a total of 30 seconds per hour. FM translators may not be used solely to "relay" the signals of the "mother station" to another FM translator, and may not rebroadcast the signal of any AM station.

Nonoriginating FM translator operators must publish notices of the filing of their renewal applications in a local newspaper. (See p. 61 supra.).

NOTE: FM translators are not to be confused with FM boosters. The former operate on a different frequency than the "mother station," while the latter operate on the same frequency (hence "booster"). Only the "mother station" can own a booster, whose coverage contour must be completely encompassed by the protected contour of the station, the signal of which it boosts.

2. Television Translators

Television translator stations provide a means whereby the signals of a "mother station" may be retransmitted on a different frequency to areas in which direct reception of such television broadcast stations is unsatisfactory due to distance or intervening terrain barriers.

Translator stations may be used only to receive the signals of a television station, another television translator station, a television translator relay station, a television intercity relay station, a television STL station or other suitable source such as a Cable Television Relay Service or common carrier microwave station, for the simultaneous retransmission of the programs and signals of a television station. Such retransmission may be accomplished by reception of the signals of a television station directly through space; conversion to the different channel by simple heterodyne frequency conversion and suitable amplification; or modulation and amplification of a video and audio feed.

The transmissions of each television translator station are intended for direct reception by the general public. The technical characteristics of the retransmitted signals must not be deliberately altered so as to hinder reception on conventional television receivers. A television translator station may not deliberately retransmit the signals of any station other than the station it is authorized by license to retransmit.

A locally generated radio frequency signal similar to that of a TV broadcast station and modulated with visual and aural information may be connected to the input terminals of a television translator for the purpose of transmitting still photographs, slides and voice announcements. The radio frequency signals shall be on the same channel as the normally used off-the-air signal being rebroadcast. Originations concerning the financial support and PSAs are limited to 30 seconds each, no more than once per hour. Acknowledgments of financial support may include identification of the contributors, the size and nature of the contribution and advertising messages of contributors. Emergency transmissions shall be no longer or more frequent than necessary to protect life and property.

More than one TV translator station may be licensed to the same applicant whether such stations serve substantially the same area. TV translator stations are not counted for purposes of multiple ownership.

Only one channel will be assigned to each TV translator station. Additional low power or translator stations may be authorized to provide additional reception. A separate application is required for each station and each application must be complete in all respects.

Any one of the 12 standard VHF channels may be assigned to a TV translator station. Channels 5 and 6 assigned in Alaska shall not cause harmful interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982. Any one of the UHF channels from 14 to 69 inclusive (except channel 37), may be assigned to a TV translator station.

Application for new TV translator stations or for changes in existing stations, specifying operation above channel 70 will not be accepted for filing. License renewals for existing TV translator stations operating on Channels 70 through 83 will be granted only on a secondary basis to land mobile radio operations.

Changes in the TV Table of Allotments, as well as authorizations to construct new TV stations or to change facilities of existing ones, may be made without regard to existing or proposed TV translator stations. Where such a change results in a TV translator station causing actual interference to reception of the TV broadcast station, the operator of the TV translator station shall eliminate the interference or file an application for a change in channel assignment.

Nonoriginating TV translators must publish notices of filing of their renewal application in a local newspaper. 7 FCC Rcd 2284 (1992). (See p. 61 supra.).

Any qualified individual, group, or governmental body may be the licensee of a TV translator station.

3. Television Boosters

A television booster station provides a means whereby the licensee of the primary (or "mother") station may provide service to areas of low signal strength in any region within its Grade B contour. The booster station may not be located outside the predicted Grade B of its primary station nor may the predicted Grade B signal of the booster station extend beyond the predicted Grade B contour of the primary station. A television booster station is authorized to retransmit only the

signals of its primary station; it may not retransmit the signals of any other stations nor make independent transmissions. However, locally generated signals may be used to excite the booster apparatus for the purpose of conducting tests and measurements essential to the proper installation and maintenance of the apparatus.

A booster station must operate on the same frequency as the primary station. The transmission of a booster station shall be intended for direct reception by the general public. Such stations will not be permitted to establish a point-to-point television relay system.

D. LOW POWER TELEVISION STATIONS (LPTV)

A low power television station is authorized to retransmit the programs and signals of a TV broadcast station and may originate programming in any amount greater than 30 seconds per hour and/or operate a subscription service.

An applicant for a new low power TV station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation is not likely to cause interference. The applications must be specific with regard to the channel requested. Only one channel will be assigned to each station.

Any one of the 12 standard VHF channels may be assigned to a VHF low power TV station. Channels 5 and 6 assigned in Alaska shall not cause harmful interference to, and must accept interference from, non-Government fixed operations authorized prior to January 1, 1982.

Any one of the UHF channels from 14 to 69, inclusive (except Channel 37), may be assigned to a UHF low power TV station.

Applications for a new low power TV station, or for changes in an existing station, specifying operation above Channel 70 will not be accepted for filing.

Changes in the TV Table of Allotments, as well as authorizations to construct new TV broadcast stations or to change facilities of existing ones, may be made without regard to existing or proposed low power TV stations. Where such a change results in a low power TV station causing actual interference to reception of the TV broadcast station, the operator of the low power TV station shall eliminate the interference or file an application for a change in channel assignment.

Low power TV stations may operate under the following modes of service:

- as a TV translator station;

- for origination of programming and commercial matter; and/or

- for the transmission of subscription television (STV) programs.

A low power TV station may not be operated solely for the purpose of relaying signals to one or more fixed receiving points for retransmission, distribution or relaying.

Low power TV stations are subject to no minimum required hours of operation and may operate in any of the three modes described above for any number of hours.

A license for a low power TV station may be issued to any qualified individual, organized group of individuals, broadcast station licensee or governmental body.

The Commission has relaxed the acceptance standard for LPTVs to a "substantially complete" rather than "letter perfect" standard, which prevailed prior to the omnibus LPTV rule making. 9 FCC Rcd 2555 (1994). In the same proceeding, the Commission authorized LPTV operators to request that they be assigned four-letter call signs in lieu of the five-character alpha-numeric call signs. However, the four-letter call sign must be followed by the suffix "-LP." A party holding a low power TV construction permit who requests a four-letter call sign must file with that request a certification that the station has been constructed, that physical construction is underway at the transmitter site or that a firm equipment order has been placed. (FCC Rule 74.783(e)).

More than one low power TV station may be licensed to the same applicant, whether such stations serve substantially the same area. Low power TV stations are not counted for purposes of the TV multiple ownership rules.

E. UPGRADES OF FM STATIONS

In the early 1980s, the Commission revolutionized the FM medium by actions in the so-called Docket 80-90 proceeding that created new classes of FM stations, "dropped in" some 700 new stations and adopted allocations principles allowing the introduction of many more stations as well. 94 FCC 2d 152 (1983); 100 FCC 2d 1332 (1985). Many of today's procedures can be traced to these actions.

One-Step Procedure

In 1993, the Commission adopted a set of procedures designed to avoid duplicative efforts in the process of upgrading FM stations. 8 FCC 4735 (1993). The Commission will permit licensees and permittees to request by application upgrades of their operations. Previously, stations to request these changes through a two-step process in which the party first filed a petition for rulemaking and, if the petition was granted, then filed an application for a construction permit specifying the new facilities.

The Commission emphasized that it is committed to protection of the current allotment standards. The Commission noted, however, that:

> applicants should be permitted to apply for a station modification under the one-step process at a site which complies with all application criteria, even if that site would not meet allotment standards. Our current rules allow such a result, and to deny the use of the one-step process to applicants who can demonstrate compliance with the allotment standard, but apply for a site acceptable pursuant to the application criteria, would therefore be inconsistent with current practice.

A one-step application may be used to change the class or channel of a station either by upgrading its class on the same channel or moving the frequency to an adjacent or intermediate frequency channel.[48] Now licensees need only file a minor change application on FCC Form 301 for: (1) adjacent and co-channel upgrades; (2) same class adjacent channel substitutions; and (3) adjacent channel downgrades.

A properly filed one-step application acts as a "cut-off" against other applicants and FM rulemaking petitions. However, because it would be contrary to sound allotment policy for parties to receive modifications by using the one-step process, which would be denied under the two-step process, all applicants using the one-step must also demonstrate that a suitable site exists that would comply with allotment standards with respect to minimum distance separation and city-grade coverage.

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[48] Adjacent channels include the three channels above and the three channels below the specified channel. For instance, a licensee operating on Channel 250A may seek a channel upgrade on Channels 247, 248, 249, 251, 252 and 253. An intermediate frequency channel is one which is 53 or 54 channels removed from the station's channel.

Protection From Conflicting Applications

In 1992, the Commission amended its rules so that minor change applications (See p. 72 for definition of minor change) are protected from conflicting rulemaking proposals as of the date of the filing of the minor change application. As many station upgrades are classified as minor changes, this procedure will afford the station operator a degree of assurance that its upgrade application will not be denied pending the resolution of the conflicting rulemaking proposal.

This protection does not apply to major changes and applications for new stations. These applications are protected from conflicts as of the time established by the public notice of the acceptance of the application, or the filing window, respectively.[49]

Changes in Community of License

In 1989, the Commission amended its rules pertaining to changes in the FM Table of Allotments. 4 FCC Rcd 4870 (1989).[50] The Commission found that the then existing procedure "discourages changes to the Tables of Allotments that would result in a better overall arrangement of allotments. Many licensees and permittees may be deterred from seeking improvements to technical facilities that would require a modification of its community of license, as they would be at risk of losing their authorizations in a comparative hearing."

Under the new procedure, a station operator may request a change in the Table of Allotments and modification of its license accordingly, without placing its existing authorization at risk. The procedure is limited to situations in which the new allotment would be mutually exclusive with the existing allotment and will not apply to nonadjacent channel upgrades.

The Commission cautioned, however, that it will not "allow any broadcaster to take advantage of this new procedure if the effect would be to deprive a community of an existing service representing its only local transmission service." The Commission has also indicated that applicants proposing a change in the

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[49]Applications on reserved educational channels for major changes or for new stations will be protected as of the time established by the public notice of the acceptance of the application.

[50]This decision established principles applicable to TV as well.

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community of license who are permittees, or have been licensees for less than a year, must state whether they obtained the construction permit in a comparative hearing and whether the community license was a factor in that case. Furthermore, in order to prevent the circumstances of this limitation, the Commission stated that "we do not foresee granting construction permit modifications which would substantially lessen service to the public from that level proposed and authorized by original construction permit." 5 FCC Rcd 7094 (1991).

F. EMERGENCY BROADCAST SYSTEM (EBS) AND EMERGENCY ALERT SYSTEM (EAS)

The purpose of the Emergency Broadcast System (EBS), which has been in operation since 1963, is to give federal, state and local governments a means of providing emergency notification and information to the general public in times of actual national, state or local emergencies. EBS consists of the voluntary participation of radio and television stations, the cable industry and other nongovernment industry entities, linked electronically to one another and to participating federal, state and local government agencies.

1. The New EAS

In 1994, the Commission completely revamped the concept and method of operating the national alerting system. In its decision, 10 FCC Rcd 1786, rec. 11 FCC Rcd 11494 (1995), the Commission established the Emergency Alert System (EAS), which will replace the current EBS. The new system will be phased in during 1997; broadcast stations are required to purchase and install EAS equipment by January 1, 1997. In the meantime, stations will be required to maintain the existing equipment and procedures.

The new EAS will involve cable television operators in providing emergency alerts, although smaller cable systems will be subject to lesser requirements and some might even be eligible for exemption from EAS requirements. Also, the Commission has issued a Further Notice asking for comments on including, within the EAS, satellite systems and other multichannel communications providers.

No particular EAS technical system is being mandated. Rather, stations, state emergency agencies and others are being given a range of options. The current "daisy chain" EBS system is being replaced with "multiple source monitoring." Only monthly, on-air tests are being required under the EAS. Weekly tests are to be "silent," or at least "unobtrusive" to the audience. The "standard digital coding

scheme" for the EAS is one compatible with the current weather radio alerting system. It would allow digital identification of the nature of the alert (e.g., the type of emergency, the location of the emergency, etc.).

A full analysis of the new EAS provisions can be found in the NAB HELPFAX of December 1995. See Appendix M.

2. Continued Applicability of the EBS Rules

For the entirety of 1997, stations will continue to employ the EBS while any "bugs" are worked out of the new EAS. Because the existing procedures continue in effect until the new system is fully effectuated, the existing rules are discussed in detail in the following paragraphs.

In the current, soon-to-be-replaced EBS system, broadcast stations are divided into two categories — participating and nonparticipating. The difference in classification occurs during national level emergency activations. A nonparticipating station is one which has elected not to participate in the national-level EBS and does not hold an EBS license. Upon activation of the EBS at the national level, the station is required to remove its carrier from the air and monitor the Emergency Action Termination in accordance with the instructions in the EBS checklist for nonparticipating stations. ONLY THE WHITE HOUSE CAN ACTIVATE THE NATIONAL EBS SYSTEM.

Participating stations that remain on the air during a national emergency situation must carry presidential messages live at the time of transmission.

The FCC sends new licensees an EBS authorization and a letter requesting their voluntary participation in the national EBS. Stations are requested to accept or decline this authorization within 30 days of receipt. Should the request be declined, the EBS authorization should be returned to the FCC. In either event, an appropriate EBS checklist and EBS station designation will be forwarded to the licensee.

Any existing licensee who is not already a participant and who desires to participate voluntarily in the national-level EBS must submit a written request to the FCC. The FCC may then issue an EBS authorization.

Any station may withdraw from EBS participation by giving 30 days written notice and by returning its EBS authorization to the FCC.

Any AM, FM or TV station may, at the discretion of its management, voluntarily participate in the state-level and operational (local) area level EBS in accordance with the provisions of the state EBS operational plan. In this case, an EBS authorization is not required.

All stations are required to install and maintain EBS equipment and participate in the weekly tests of the system. Additionally, all stations are required to monitor for state and local EBS activations. Once a state or local activation has been received, the station management can then decide whether to participate further at that level. (FCC Rules 11.19, 11.55).

An EBS checklist and a current authenticator word list are required to be posted at each normal duty operator position. Licensees should ensure that all remote control points have these lists available and that the authenticator list is dated for the current year. (FCC Rules 11.15, 11.17).

All stations are required to install and operate during their hours of operation, equipment capable of receiving the attention signal and emergency programming. The equipment must be maintained in operative condition and installed in a way that enables broadcast station staff, at normal duty positions, to be alerted instantaneously upon receipt of an activation. Only one receiver is required at combined broadcast facilities.

All stations, except noncommercial FM stations authorized with output powers of 10 watts or less and low power TV stations, must install, operate, and maintain equipment capable of generating the attention signal to modulate the transmitter so that the signal may be broadcast to other stations. The equipment must be installed in such a way that it enables the broadcast station staff at normal duty locations to initiate the two-tone transmission. Only one generator is required at combined studio facilities. (FCC Rule 11.35, 11.51 and 11.52).

Stations are required to log each EBS activation received and each activation initiated. All stations are also required to record in the station log the reasons for any failure to receive or initiate a weekly test. In addition, whenever any EBS related equipment is taken out of service, an entry must be made in the station log showing the date and time the equipment was removed and the date and time the equipment was restored to service. (FCC Rules 11.35, 11.51, 11.52 and 11.61).

When any EBS equipment becomes defective, the station may operate without the defective equipment, pending its repair or replacement, for a period not in excess of 60 days. The station must make appropriate entries in the station log showing the date and time the equipment was removed and restored to service.

If the station cannot restore service to the defective equipment within 60 days due to conditions beyond the control of the licensee, then the station must request an extension of this time from the FCC Engineer-In-Charge of the area in which the station is located. Such request must include a statement of what steps were taken to repair or replace the equipment along with a description of the alternative procedures being used while the defective equipment is out of service. (FCC Rule 11.35, 11.51 and 11.52).

All stations are to conduct transmission tests of the EBS system a minimum of once a week on random days and times between 8:30 a.m. local time and local sunset. (FCC Rule 11.61).

Again, the above discussion is a summary of the FCC/EBS procedure as of the date of publication of this volume. The EBS Kit, which the FCC sends to all licensees, contains detailed step-by-step instructions for both participating and non-participating stations.

G. OVER THE HORIZON

There are a number of new technologies which today, or in the near future, may change or supplement much of what is contained in this book. Some of these are:

AMax

In order to improve the quality of AM reception, an industry committee has adopted a new set of AM receiver specifications, now known as AMax. In order to use the AMax or AMax Stereo certification mark, receiver manufacturers must incorporate the following six technical standards into their stations:

1. compliance with the NRSC-3 (voluntary, bandwidth and distortion) receiver standards [IS-80]. This requires a minimum bandwidth of 7.5 kHz on home radios and 6.5 kHz on mobile radios until September 30, 1996;

2. manual or automatic bandwidth control;

3. complete AM band tuning capability (635-1705 kHz);

4. AM noise blanking, however, manufacturers of AC/battery or AC/only operated receivers are exempt from the noise blanking requirement until September 30, 1996;

5. external antenna capability for AM; and

6. both preexisting and expanded AM band capability.

Several brands and models of AM radios now bear the AMax mark.

Digital Audio Broadcasting (DAB)

DAB is an entirely different method of transmission from the current analog system. As a comparison, phonograph records are analog and compact discs are digital. The radios in use today will not receive digital broadcasts — a new type of receiver would be needed.

Digital audio signals are much easier to manipulate and process than analog signals. With digital signal processing (DSP), noise and other artifacts, which tend to make analog listening annoying, can be removed effectively and imperceptibly.

There currently are two types of proposed DAB terrestrial systems — in-band and new-band. New-band systems would require additional frequencies in which to operate, while in-band DAB systems are being developed to operate in the existing FM and AM bands.

Satellite DAB

This system proposes to transmit digital audio broadcast signals directly from satellites to special radio receivers — automobile, portable and home models.

In January 1995, the FCC allocated 2310-2360 MHz for satellite DAB.

A Notice of Proposed Rule Making was released by the Commission on June 15, 1995. It sought comments on a wide range of satellite DAB-related issues. 11 FCC Rcd 1 (1995).

In an order released on September 1, 1995, the FCC granted Satellite CD Radio, an applicant, permission to begin construction of a satellite but "... at their own risk..." because rules have not yet been adopted.

AM Stereo

While AM stereophonic broadcasting is a reality in a number of markets, several developments in the 1990s have had the goal of expanding AM stereo broadcasting.

The Commission authorized AM stations to offer stereo service in 1982. At that time, the Commission declined to select a single system standard from among the five competing AM stereo technical systems. In October 1992, the President signed legislation that directed the Commission to initiate a rulemaking to adopt a single AM stereophonic transmitting equipment standard.

In October 1993, the Commission announced that it had selected the Motorola C-Quam system as the U.S. AM stereo transmitting standard.

The Commission conditioned the selection of Motorola's system by requiring Motorola to license its patents to other parties under fair and reasonable terms.

Stations employing Kahn stereo exciters to implement the Kahn "POWER-side" mode of operation may continue to do so indefinitely, provided that the program material fed to both channels of the exciter is identical in content. 8 FCC Rcd 8216 (1993); 9 FCC Rcd 1907 (1994).

For AM band expansion station licensing (see p. 191), the FCC gave a "preference" to station applicants proposing to offer AM stereo transmissions.

High Definition Television (HDTV) or Advanced Television (ATV)

The Commission has instituted comprehensive proceedings on the status of advanced television systems (ATV), including high definition TV, and the Commission's role in the growth of these new technologies. HDTV is the expected next generation of television, which will provide wide-screen pictures with sharper resolution and increased sound quality.

There have been numerous and complicated rulemaking proceedings and hearings on this subject. Briefly stated, the current FCC position is:

- initial eligibility for ATV frequencies will be limited to existing broadcasters — where there are additional channels available, others will be allowed to apply for allotments and licenses;

- TV stations will be given six years (three years for the application process and three years for construction) to implement HDTV, once a standard has been selected and an allotment table has been announced;

- a 100 percent simulcasting requirement will be adopted at the earliest appropriate time;

- when ATV becomes the prevalent medium, broadcasters will be required to "convert" to ATV by surrendering one of two channels and cease broadcasting in NTSC;

- a firm date will be set for conversion to ATV; and

- low power television will continue to be a secondary service.

Under the current FCC policy, one year after the six-year application/construction period a 50 percent simulcasting requirement will be imposed, and after an additional two years, a 100 percent simulcasting requirement will take effect. The deadline for complete conversion to HDTV will be 15 years after the application/construction period. However, the FCC will conduct periodic reviews of its regulatory approach and of its deadlines for conversion to HDTV broadcasting.

Following the formation of a "Grand Alliance" of various components of the industry and extensive tests, the Commission proposed to adopt the ATSCDTV digital standard as "a remarkable system that is capable and flexible well beyond the expectations of a few short years ago." 11 FCC Rcd 6235 (1996).

On July 25, 1996, the Commission proposed policies for developing Digital Television (DTV) allotments and procedures for assigning these frequencies to individual licensees.

In addition, the Commission proposed an allotment plan under which TV service would eventually be located in a core region of the spectrum, namely, the spectrum at existing Channels 7-51. The Commission indicated that this portion of the spectrum is technically best suited for the transmission of DTV service and that all incumbent licensees could be accommodated within this spectrum after the transition. Under this option, the Commission would attempt to provide all existing broadcasters with a DTV channel within the core spectrum area. However, spectrum outside the core region would be used for DTV allotments where needed during the transition or used for other purposes. All television operations outside of the core channels would be fully protected during the transition. Because TV

Channels 60-69 are very lightly used, this plan could allow for early recovery of some spectrum outside the core region.

The Commission also provided a draft DTV Table of Allotments. This table, which shows how digital frequencies might be allotted in individual markets, is based on the principles of accommodating all eligible broadcasters, replicating existing service areas, and sound spectrum management.

A copy of the proposed DTV Table of Allotments may be found as Appendix N.

The commission also announced that 30 days after the DTV proposal is published in the *Federal Register*, it would no longer accept applications for stations proposing the present NTSC system. Following July 25, 1996, it would not accept additional petitions for rulemaking proposing to amend the existing TV table of allotments to add new stations. It also stated that, after July 25, 1996, it will continue to permit the filing of applications to modify the facilities of existing or authorized NTSC TV stations. However, the grant of any applications to modify the facilities of such stations, including applications on file before the date of the adoption of the further notice but granted after that date, will be explicitly conditioned on the outcome of the rulemaking proceeding.

The 1996 Telecom Act provides that if the FCC issues licenses for ATV then it "should limit the initial eligibility" to existing broadcasters; it requires the FCC to permit ATV licensees to offer ancillary and supplemental services; it requires the FCC to recover either existing or additional license at the end of an unspecified transition period; and it requires the FCC to collect fees from broadcasters for the use of the ATV channels for subscription or other pay services. (1996 Telecom Act, Section 201).

H. FCC ETIQUETTE

There are certain rules of conduct and procedure with which broadcasters should be familiar in order to maintain an effective relationship with the FCC:

1. Any person has the right to write to the FCC regarding matters within its jurisdiction. In order to be effective, letters should be written clearly (preferably typewritten) and to the point. Long letters containing generalities, unsubstantiated charges and personal attacks will usually have very little impact.

2. Certain proceedings are restricted. The decision maker in those cases should not be contacted, except through the means of a formal pleading, within the time permitted and with service to all other parties. Generally, when an application is designated for hearing, it becomes restricted, and any communication with the ALJ or the Commission should only be through formal channels with service on all other parties to the proceeding.

3. Unauthorized communications, without service on other parties, are called ex parte, and may result in serious consequences to the originator. As a rule, parties should avoid asking their congressional representatives to intercede on their behalf at the Commission unless counsel has been consulted regarding the propriety of such action. This does not apply to formal submissions on the record in proceedings designed to elicit public reaction.

4. Hearings on applications (adjudication) before the Commission, or ALJs, resemble court proceedings, but are less formal. While general evidentiary formalities are observed, the strict rules of evidence do not apply. While lay persons are free to participate in their own behalf, participation by counsel is more likely to be effective. When hearings are conducted to gather information (rulemaking), participation by lay persons is customary.

5. In unrestricted cases, the Commission's staff is approachable and quite willing to discuss pending matters. It is always wise to call ahead and to make an appointment. Readers should bear in mind that FCC staff personnel are often overworked and, therefore, conferences should be brief and to the point. It is good policy to have all of the facts organized in advance.

6. There are specific rules governing the receipt of favors and gifts by FCC personnel. What may appear to be a genuine token of friendship or appreciation may end up running afoul of the Commission's rules. It is therefore recommended that broadcasters refrain from giving any gifts or mementos to FCC staff members.

7. When FCC inspectors visit a station, they are entitled to examine all of the documents in the public inspection file and such other documents that are not in the file, but are to be made available to such personnel under the Commission's rules. Private papers, intracompany correspondence, etc., should not be turned over unless authorized by the station's counsel.

8. A person claiming to be an FCC representative should be willing and able to produce proper identification. It is a criminal offense for a person to impersonate a federal inspector.

9. The FCC maintains a "duty officer" on a 24-hour basis to handle emergency matters. In situations requiring emergency action or notification, the watch officer can be contacted at (202) 632-6975.

I. TELEVISION SATELLITE STATIONS

Television satellite stations are full power terrestrial broadcast stations that retransmit all or part of the programming of a parent station that is ordinarily commonly owned.

The Commission first authorized TV satellite operations in small or sparsely populated areas with insufficient economic bases to support full-service operations. To provide the public with a choice of multiple program services, particularly those provided by the major national networks, the Commission later began authorizing "primarily satellite" stations in smaller markets already served by full-service operations. More recently, the Commission has authorized satellite stations in larger markets when the applicant has demonstrated that the proposed satellite could not operate as a full-service station. The Commission has also allowed a full-service station to convert to a satellite operation, upon a showing that the community no longer has a sufficient economic base to support a full-service operation.

Until 1991, TV satellite stations could locally originate no more than five percent of their programming. A station that obtained and rebroadcast all of its programming from its parent was referred to as a "100% satellite" station, whereas a station that originated up to five percent local programming was referred to as a "primarily satellite" station.

Under the current rules, satellite stations are exempt from the multiple ownership rules. The Commission reviews TV satellite applications on a case-by-case basis to determine whether "common ownership, operation or control of the stations in question would be in the public interest" and whether satellite status should be granted. As has been established by case law, several factors are considered in assessing requests for a satellite "exception," including the degree of overlap between the parent and the satellite station, the capacity of the market to support a full-service station, the level of service available in the market and the financial difficulties of the stations involved.

Under rules promulgated in 1991, 6 FCC Rcd 4212, the Commission adopted a presumption that TV satellite operations are in the public interest if an applicant can satisfy certain public interest criteria. An applicant may qualify for the presumption by showing that: (1) there is no City Grade overlap between the

parent and the satellite; (2) the proposed satellite would provide service to an under-served area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station.

An opposing party may rebut the presumption by demonstrating that grant of the satellite application is not in the public interest. If the challenger does not meet this burden, or if the rebuttal is successfully countered by the applicant, then the TV satellite proposal would be authorized. However, if the opposing party satisfies the burden of demonstrating that the application is not in the public interest and the applicant cannot refute this showing, then the TV satellite request would fail. Applications that qualify for the presumption and are unrebutted will generally be viewed favorably by the Commission. Even absent rebuttal by an opposing party, however, the Commission may, on its own motion, override the presumption and deny a satellite authorization request where it determines that the public interest so requires.

In 1991, the Commission dropped the five percent local origination cap, and henceforth a TV satellite station may provide as much local programming as it can produce.

It should be noted that the Commission has a "general policy of not authorizing 100 percent satellites in areas served substantially by stations that qualify as conventional television operations. . . ." 7 FCC Rcd 6019 (1992).

When a satellite station is sold, the applicant must demonstrate that the combined satellite operation continues to be justified. 10 FCC Rcd 3524 (1995).

J. SUBSCRIPTION TELEVISION

Subscription Television (STV) is the method of transmitting scrambled programs over the air from regular television stations to the descrambler-equipped home of the subscriber. As such, it differs from cable and from "wireless cable." This service is permitted on both full power and LPTV stations.

A full power TV station needs no specific authority to commence STV operations but the FCC must be notified by a Notice of Commencement of STV Operations at least 30 days prior to the start. The notice must identify the encoding system that will be used. A notice of termination of STV operation must also be filed at least 30 days prior to cessation of STV.

STV service must be provided "to all persons desiring it within the Grade A contour of the station" and "charges, terms and conditions of service must be applied uniformly."

Only FCC approved encoding systems may be used for STV operations. (FCC Rules 73.641 - 73.644). With the advent and spread of cable television, MMDS and DBS, subscription television has been largely abandoned.

K. VERTICAL BLANKING INTERVAL (VBI)

Section 73.646 allows the transmission, without prior Commission consent, of ancillary telecommunications services within the Vertical Blanking Interval (VBI) (line 1 through line 21) of television signals. The VBI precedes the active video portion of the standard NTSC television signal. In contrast, data transmission systems operating within the active video portion of the television picture have been authorized only on a case-by-case basis, in order to protect the public's ability to receive high-quality over-the-air video broadcast transmissions.

In July 1996, the Commission amended its rules to permit new data transmission systems utilizing the active video portions of the television picture. In its decision, the Commission specifically approved the use of the Yes!, Nielsen, Digideck and Wave Phore signal transmission systems.

The Commission decided not to delay the deployment of these systems in order to set a mandatory standard or standards, given that they will be directed, at least initially, either to subscribers of a particular service or to viewers who have purchased special equipment to receive the signals.

Data insertion systems must protect the integrity of closed captioning signals on line 21. Any data insertion must be accomplished in a manner that leaves the licensee with the capability to modify, reduce, or eliminate the data insertion if necessary to terminate any interference caused, or to restore the quality of a degraded picture.

Ancillary signals may be analog or digital, and can be used to provide broadcast, point-to-point or point-to-multipoint services. Services that are common carrier in nature are subject to common carrier regulation. Licensees desiring to operate in a common carrier mode must apply to the Commission for the appropriate authorization and comply with all policies and rules applicable to the particular service. Each licensee must retain ultimate control over the content of any inserted data and retain the ability to remove ancillary information from the

signal when it deems necessary, unless the ancillary services are common carrier in nature.

Signals that are intended for an audience needing special equipment or who must subscribe to the service do not constitute "broadcasting."

The Commission amended its educational television rules to permit ETV stations to operate the VBI under the revised VBI rules. (FCC Rule 73.621(f)). Low power TV stations are permitted to operate under the VBI rules.

A copy of any contract under the VBI rules must be maintained at the station (but not in the PI file) and made available for inspection by FCC personnel. 11 FCC Rcd 7799 (1996).

L. AUXILIARY SERVICES

There is a virtual babel of various auxiliary services authorized by the Commission, designed to facilitate and enhance the operation of broadcast stations. While there are detailed technical specifications for these services, this discussion will pertain to their main modes of operation. The reader can find detailed technical information in the cited sections of the rules.

1. Experimental Stations

Licenses for these stations are issued for the purpose of carrying on research for the advancement of broadcast technology and equipment. Frequencies are assigned on the basis of suitability for the activity and minimization of interference to other stations. (FCC Rule 74.101, et. seq.).

2. Low Power Auxiliary Stations

Licenses for these stations are issued for the transmission of cues or orders to production personnel and participants in broadcast programs and motion picture production. Generally, they are intended to transmit over distances of 100 meters. Equipment used in operating these stations must be FCC type-accepted. No call signs are assigned, but transmitters used for voice transmissions and having an output power exceeding 50 mW must make announcements at the beginning and end of each period of operation identifying the transmitting unit designator, its location and the call sign or other identification of the entity with which it is being used. (FCC Rule 74.801 et. seq.).

3. Remote Pick Up Stations

Licenses for these stations will be issued for the transmission of material from the scene of events back to the studio or production center, as well as cues, orders, frequency coordination and the like.[51] There are two kinds of remote stations, base and mobile. (FCC Rule 74.401 et. seq.).

4. Aural Broadcast Auxiliary Stations

Licenses for these stations are issued for two main kinds of operation, Studio Transmitter Link (STL) and Inter City Relay (ICR).[52] The former is used to transmit material between a studio and the transmitter, the latter is used to transmit programs between stations. Either one of these stations may be used to transmit material between an FM station and a co-owned FM booster. Material transmitted over these stations is to be used solely by the co-owned broadcast stations, but other stations may utilize the programs with permission from the licensee. (FCC Rule 74.501 et. seq.).

5. TV Broadcast Auxiliary Stations

Licenses are issued for these main categories:

- TV Pickup — a mobile station to be used for transmission of programs from points removed from the studio;
- TV STL — a fixed station to be used to transmit material from the studio to the transmitter;
- TV Relay — a fixed station to be used to transmit material between stations or from a remote pickup receiver site; and

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[51]Only type-accepted transmitters may be used, except that transmitting equipment authorized pursuant to an application accepted prior to December 1, 1977, may continue to be used on a no-interference basis. (FCC Rule 74.451(e)).

[52]There is also an additional type of station, microwave booster, which receives and amplifies signals of an STL or ICR and retransmits them on the same frequency. A similar station is also available in the TV service.

- TV Translator Relay — a fixed station to be used to relay programs of a TV station to an LPTV or TV translator.

There are also other permissible uses, including service to CATV systems. (FCC Rule 74.601 et. seq.).

M. CLOSED CAPTIONING/VIDEO DESCRIPTION

Closed captioning is a technology that enables hearing-impaired viewers to benefit from television programming. A large measure of television programs is now closed captioned. In 1990, Congress adopted the Television Decoder Circuitry Act, which required all television sets (other than very small sets) sold after July 1993 to include closed captioning decoders.

The 1996 Telecom Act added a new section 713 to the Communications Act. It requires the FCC to conduct an inquiry and issue a report by August 1996 on the level of closed captioning of video programming now distributed over broadcast stations and cable systems. By August 1997, the FCC must adopt rules requiring new programming to be captioned and maximizing the availability of captioning for programming created before adoption of the Act. The FCC can exempt from these requirements program providers or programs if it determines that it would be economically burdensome or an "undue burden" to require captioning.

The Act also requires the FCC to undertake an inquiry concerning video description services. Video description is a technique using the second audio program channel to provide spoken descriptions of action on the screen to enable visually impaired persons to gain access to television programming.

PART VI —
NONCOMMERCIAL BROADCASTING

A. GENERAL OVERVIEW

B. UNDERWRITING ANNOUNCEMENTS

C. FUNDRAISING ACTIVITY

D. PROGRAM-RELATED MATERIAL

E. POLITICAL BROADCASTS

F. EXCHANGING CHANNELS

G. NONCOMMERCIAL FM — CHANNEL 6 COORDINATION

H. INSTRUCTIONAL TELEVISION FIXED SERVICE (ITFS)

PART VI — NONCOMMERCIAL BROADCASTING

A. GENERAL OVERVIEW

In 1945, as part of its structuring the present FM allocation plan, the Commission allocated the first 20 FM channels of the band to noncommercial educational broadcasting. In 1952, in its Sixth Report and Order, the Commission reserved 242 television channels to various communities for noncommercial educational use.[53] There are no special noncommercial allocations or reservations in AM, although AM stations are not precluded from operating on a noncommercial basis.

IMPORTANT NOTE: In Docket 95-31 (1995), the Commission made the following announcement:

> Because we are here instituting a rulemaking to develop new standards for choosing among mutually exclusive applicants, we believe it inappropriate to continue to designate mutually exclusive NCE applications for hearing under the existing comparative criteria. Similarly, we believe it is inappropriate to continue to adjudicate under the existing comparative criteria pending hearing proceedings involving mutually exclusive proposals for new noncommercial broadcast facilities. Therefore, we are as of the release date of this *Notice* imposing a partial freeze on the processing of NCE-FM applications.
>
> We will continue to accept NCE applications and to process those NCE applications which are not mutually exclusive, and we will continue to rule on and approve appropriate universal settlements among mutually exclusive NCE applicants. Until we have adopted new or revised NCE-FM comparative criteria in this proceeding, however, we will not designate mutually exclusive NCE applications for comparative hearing. Further, as of the release date of this *Notice*, the Administrative Law Judges, the Review Board, and the Commission will no longer issue decisions in pending hearing

[53]There have been numerous changes since the original allocations, both in the number of channels and allocation principles.

proceedings involving competing applications for NCE broadcast facilities where those decisions would rely upon the existing comparative criteria for NCE applicants. To avoid unnecessary delay, however, the Administrative Law Judges, the Review Board, and the Commission will continue to facilitate, consider, and approve, where appropriate, settlements among NCE applicants now involved in hearing proceedings provided such settlements are consistent with current Commission policies governing those agreements. 10 FCC Rcd 2877 (1995).

Because FM and TV allocations are reserved, the FCC has established eligibility and operational standards for stations using these frequencies.

1. Eligibility Requirements

While the exact language of the rules governing eligibility requirements for FM (FCC Rule 73.503) and TV (FCC Rule 73.621) differ slightly, the basic common eligibility standard is that a licensee must be a nonprofit educational organization (either public or private). Religious entities that meet the criteria are eligible to be licensees.

2. Programming Requirements

Stations must furnish a nonprofit and noncommercial broadcast service. They are subject to the sponsorship identification requirements to the extent they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by, others. No promotional announcement on behalf of for-profit entities may be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals or employees. However, acknowledgments of contributions can be made. The scheduling of any announcement or acknowledgment may not interrupt regular programming.

A noncommercial station may broadcast programs produced by, or at the expense of, or furnished by, persons other than the licensee, if no other consideration than the furnishing of the program and the costs incidental to its production and broadcast are received by the licensee. The payment of line charges by another station, network or someone other than the licensee or general contributions to the operating costs of a station are not prohibited.

A noncommercial station may transmit educational, cultural and entertainment programs to the public, and programs designed for use by schools and school systems in connection with regular school courses, as well as routine and administrative material pertaining thereto.

An educational television station may operate under the newly amended Vertical Blanking Interval (VBI) rules. 11 FCC Rcd 7799 (1996).

B. UNDERWRITING ANNOUNCEMENTS

The definition and scope of so-called underwriting announcements have been some of the most troublesome aspects of regulating noncommercial stations.

Section 399B of the Communications Act and Section 73.503(d) of the Commission's rules specifically prohibit noncommercial stations from broadcasting announcements that promote the sale of goods and services of for-profit entities in exchange for consideration[54] paid to the station. Although contributors of funds may receive on-air acknowledgments, the Commission has unequivocally stated that such acknowledgments may be made for identification purposes only and should not promote the contributor's products, services or company. Accordingly, such announcements may not contain comparative or qualitative descriptions, price information, calls to action or inducements to buy, sell, rent or lease. Additionally, the longer an announcement takes to "identify" an underwriter, the more likely it is to be promotional.

The Commission has set out in two publications the permissible parameters of underwriting announcements. 97 FCC 2d 255 (1984) and 7 FCC Rcd 827 (1992).

These guidelines permit underwriter acknowledgments to include: (1) logograms or slogans which identify and do not promote; (2) location information; (3) value neutral descriptions of a product line or service; and (4) brand and trade names and product or service listings. Company slogans are permitted that contain general product-line descriptions if not designed to be promotional in nature as are visual depictions of specific products. Acknowledgments are to be made for identification purposes only and should not include "qualitative or comparative language" or be "promotional" in nature.

Thus, the Commission has imposed forfeitures on noncommercial stations that have broadcast announcements such as "so do yourself a favor and come out to the Murrieta Hot Springs Resort" (8 FCC Rcd 78 (1992)) or that a supermarket

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[54]"Consideration" is anything of value provided to the licensee, its principals or employees including the contribution of programming material, goods and/or services used for programming and in-kind contributions.

provides "pleasure in convenience and the wisdom of thrift." 7 FCC Rcd 6864 (1992).

The Commission has also admonished a station for broadcasting remote programs from commercial establishments, some of which were underwriters, and urging the public to visit the establishments. 7 FCC Rcd 4323 (1992).

The Commission set out several examples of announcements that would clearly violate the rule:

1. Announcements containing price information are not permissible. This would include any announcement of interest rate information or other indication of savings or value associated with the product. An example of such an announcement is:

- "7.7 percent interest rate available now."

2. Announcements containing a call to action are not permissible. Examples of such announcements are as follows:

- "Stop by our showroom to see a model."
- "Try product X next time you buy oil."

3. Announcements containing any inducement to buy, sell, rent or lease are not permissible. Examples of such announcements are as follows:

- "Six months free service."
- "A bonus available this week."
- "Special gift for the first 50 visitors."

C. FUNDRAISING ACTIVITY

Appeals for public financial support are an important means of maintaining noncommercial stations. However, the Commission has imposed certain limitations on these activities.

While a noncommercial station may use its air time to appeal for funds on its own behalf, it may not substantially suspend regular programming on behalf of

others, or even on behalf of its own nonbroadcast activities.[55] Stations may, however, carry public service announcements at regular station breaks on behalf of nonprofit causes, assuming, of course, that no payment is made for such carriage.

D. PROGRAM-RELATED MATERIAL

In 1982, the Commission concluded that because Congress had approved direct promotional fundraising announcements sponsored by nonprofit organizations, public broadcasters could air announcements promoting program-related materials sold by nonprofit organizations, including the station itself. In order for the audience to be informed about the sponsor of these offerings, the non-profit organization sponsoring the offering should be clearly identified in the announcement.

Insofar as announcements for the sale of program-related materials by for-profit entities are concerned, such announcements are permitted so long as the licensee: (1) receives no consideration for the announcement; and (2) the materials are offered on the basis of public interest considerations and not the private economic interests of the offeror; or (3) the price of the materials offered is only nominal. The nominal price requirement does not apply to offerings sponsored by non-profit entities. 7 FCC Rcd 827 (1992).

E. POLITICAL BROADCASTS

In Chandler v. Georgia Public Telecommunications Commission, 917 F.2d 486 (11th Cir. 1990), cert. denied, 502 U.S. 816 (1991), the court ruled that a public television station did not violate the First or Fourteenth Amendment by refusing to invite a Libertarian candidate to appear in a debate in which the Republican and Democratic candidates participated. However, in a later case,

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[55]The Commission has waived this policy in several instances. 51 RR 2d 659 (1982); 8 FCC Rcd 7909 (1993). These waivers, however, were limited to one-time programs prompted by one-time crises faced by nonprofit organizations. On the other hand, the Commission has denied a waiver for a program on behalf of the Muscular Dystrophy Association because that fundraising "is conducted on an annual basis in connection with on-going problems, needs and interests." DA 95-1879 (released September 5, 1995). The Commission has also held that a Holiday Gift Exchange offering merchandise for sale from the station and five leading non-profit groups violated the fundraising rule. DA 95-2216 (released October 31, 1995).

Forbes v. Arkansas Educ. Television Communication Network Found., 22 F.3d 1423 (8th Cir. 1994), cert. denied ____ U.S. ____, 115 S.Ct. 500 (1994) and 115 S.Ct. 1962 (1995), the court ruled that an independent candidate had a "qualified right of access" to a debate sponsored by a state educational television network that included only the major candidates.

F. EXCHANGING CHANNELS

In 1986, the Commission issued a rule that allows the licensee of a commercial channel and the licensee of an educational TV station operating on a reserved channel within the same band and serving the same area to exchange channels. 59 RR 2d 1455 (1986); rec. denied 3 FCC Rcd 2517 (1988). This policy, anchored on the Commission's desire to aid financially ailing educational TV stations was upheld by the court. Rainbow Broadcasting Co. v. FCC 949 F.2d 405 (D.C. Cir. 1991). See also 10 FCC Rcd 7662 (1995).

In an important decision, adopted July 24, 1996, the Commission refused to remove the educational reservation for station WQEX, channel 16, in order to enable its sister station WQED to assign the UHF license to a commercial broadcaster. Congress had directed the FCC to consider this proposal on an expedited basis in view of the financial distress of WQED.

The Commission found that it was presented with strong competing public interest considerations. On the one hand, the Commission observed that WQED had demonstrated that is was in severe financial distress and that the sale of WQEX(TV) as a commercial station could afford it the means of resolving these difficulties. On the other hand, the FCC noted that the solution proposed by WQED, the dereservation and commercial sale of a noncommercial channel, was unprecedented — the Commission has never dereserved noncommercial spectrum without providing a replacement channel — and ran contrary to the Commission's long-standing goal of promoting the growth of public television. On balance, the Commission concluded that WQED had failed to make the compelling showing necessary to support an exception to the Commission's strongly held policy disfavoring dereservation of noncommercial educational channels. (FCC 96-314, released August 1, 1996).

G. NONCOMMERCIAL FM — CHANNEL 6 COORDINATION

Because television Channel 6 and noncommercial FM stations operating on channels 201-220 utilize immediately adjacent frequencies, a potential for interference exists because many television receivers do not possess sufficient selectivity to reject a strong FM signal.

Beginning in 1978, the Commission had issued a number of reports and studies addressing this problem. Under the present rule, the Commission requires the affected FM stations to furnish detailed showings of the potential effect on TV reception before an application will be granted "unless the application is accompanied by a written agreement between the NCE-FM applicant and each affected TV Channel 6 broadcast station concurring with the proposed NCE-FM facilities." These technical and demographic showings are set forth in detail in FCC Rule 73.525.

H. INSTRUCTIONAL TELEVISION FIXED SERVICE (ITFS)

Instructional television fixed service is intended primarily to provide a formal educational and cultural development, in aural and visual form, to students enrolled in accredited public and private schools, colleges and universities.

Such stations may also be used for the additional purpose of transmitting other visual and aural educational, instructional and cultural material to selected receiving locations, including in-service training and instruction in special skills and safety programs, extension of professional training, informing persons and groups engaged in professional and technical activities of current developments in their particular fields and other similar endeavors.

During periods when the circuits provided by these stations are not being used for the transmission of instructional and cultural material, they may be used for the transmission of material directly related to the administrative activities of the licensee such as the holding of conferences with personnel, distribution of reports and assignments, exchange of data and statistics and other similar uses.

The Commission's rules provide for specified reservation of time for the above uses, but permit the leasing of excess capacity to non-ITFS users, such as "wireless cable."

An ITFS license will be issued only to an accredited institution, a government organization engaged in education or a nonprofit educational organization. (FCC Rules 74.931, 74.932).

In addition to educational entities, "wireless cable" operators may be licensed on ITFS frequencies in areas where at least eight other ITFS channels are available for future ITFS service. However, such a "wireless cable" operator must show that there are no multipoint or multichannel distribution service channels available. If a channel is licensed to a "wireless cable" operator, an educational institution may request access to that channel for a maximum of 40 hours per week. The educational entity has the right to designate certain hours and must furnish the "wireless cable" licensee a schedule of proposed use four months in advance of that use. Requests for access are to be filed on FCC Form 330 and clearly labeled as a request for access. (FCC Rule 74.992 and 6 FCC Rcd 6792 (1991)).

In October 1990, the Commission revised its "wireless cable" rules and, in the course of that proceeding, made important decisions affecting ITFS. The Commission stressed that its effort to facilitate the expansion of wireless cable service as a competitive multichannel source of programming should not be interpreted as diminishing its commitment to the further development of ITFS.

In the case of educational ITFS licensees, if the time or capacity leased is not to be used for "wireless cable" operations, the licensee must preserve at least 40-hours per week, including at least six hours per weekday (Monday through Friday), excluding holidays and vacation days, for ITFS purposes on that channel. The 40-hour preservation may consist of air-time strictly reserved for ITFS use and not used for non-ITFS programming, or of time used for non-ITFS programming but subject to ready recapture by the licensee for ITFS purposes. At least 20 hours per week of the preserved time on each channel must be used for ITFS programming, including at least three hours per weekday, excluding holidays and vacation days. Only ITFS programming and preserved air-time scheduled between 8 a.m. and 10 p.m. Monday through Saturday, will qualify to meet these requirements.

If the time or capacity leased is to be used for "wireless cable" operations, before leasing excess capacity on any one channel, the licensee must provide at least 20 hours per week of ITFS programming on that channel. All hours not used for ITFS programming may be leased to a "wireless cable" operator. An additional 20 hours per week per channel must be reserved for recapture by the ITFS licensee for its ITFS programming, subject to one year's advance, written notification by the ITFS licensee to its "wireless cable" lessee. These hours of recapture are not restricted as to time of day or day of the week, but may be established by

negotiations between the ITFS licensee and the "wireless cable" lessee. (FCC Rule 74.931).

For the first two years of operation, an ITFS entity may lease excess capacity if it provides ITFS programming at least 12 hours per channel per week, including up to four hours of ITFS usage per day.

The licensee may schedule the ITFS programming and use automatic channel switching equipment so as to employ channel mapping technology to lease to a "wireless cable" operator. However, an ITFS applicant should request only as many channels as it needs to fulfill its educational requirements. "Channel mapping" technology allows an ITFS operator with a staggered schedule to transmit ITFS programming over each of the four channels and a student viewer to receive that programming on what appears to be uninterrupted service on as few as one channel.

When an ITFS licensee makes capacity available on a common carrier basis, it will be subject to common carrier regulation. A licensee operating as a common carrier is required to apply for the appropriate authorization and to comply with all policies and rules applicable to that service. Responsibility for making the initial determination of whether a particular activity is common carriage rests with the ITFS licensee. Initial determinations by the licensees are subject to Commission examination and may be reviewed at the Commission's discretion.

Subject to certain exceptions, no ITFS licensee may lease transmission time or capacity to any cable television company, either directly or indirectly through an affiliate owned, operated, or controlled by, or under common control with, the cable television company, if the ITFS main transmitter station is within 20 miles of the cable television company's franchise area or service area and if the cable company is the sole provider of cable service in the franchise area. (FCC Rule 74.931(h)).

The Commission has established a "ranking" procedure for deciding mutually exclusive applications. "Local" applicants (those located in the community to be served) get four points. Other credits are accredited schools - three points; applicants with fewer requested channels - two points; specified levels of instruction - one or two points; and applicants seeking to relocate - one point. (FCC Rule 74.913).

There are complex provisions for tie-breaking procedures, based on student enrollment and utilization.

Section 403(c) of the 1996 Telecom Act gave the Commission the right to delegate to its staff the authority to process and to grant from among conflicting ITFS applications. By order released March 8, 1996, the Commission exercised that authority. (FCC 96-92, released March 8, 1996).

By a declaratory ruling of July 10, 1996, (FCC 96-304), the Commission permitted the use of digital modulation on ITFS stations on a noninterfering basis.

PART VII — FCC ENFORCEMENT

A. ADMONISHMENTS

B. CEASE AND DESIST ORDERS

C. FORFEITURE

D. DESIGNATION FOR HEARING

E. REVOCATION

PART VII- FCC ENFORCEMENT

Both the U.S. Constitution and the Federal Statute contain certain limitations on the power of the FCC. Thus, the First Amendment imposes restrictions on FCC control of program content, although not to the full extent afforded the print press. The Communications Act (Section 326), however, specifically denies the Commission "the power of censorship" over radio communications.

Nevertheless, the Commission has broad enforcement powers over a variety of broadcast activities, especially in areas not involving the sensitive area of "speech."

These powers range from a mild "admonishment" to the Draconian acts of the nonrenewal of license or license revocation.

A. ADMONISHMENTS

Equivalent to a slap on the wrist, an admonishment is an action of record by the Commission, expressing its concern about a station's action — or nonaction — and warning it that a recurrence would result in harsher action. It generally results from an inadvertent violation or is based on a violation of first impression. 9 FCC Rcd 597 (1994).

B. CEASE AND DESIST ORDERS

Under Section 312(b) of the Communications Act, the FCC has the right to issue cease and desist orders against any person who fails to operate in accordance with the terms of a license violates the criminal laws pertaining to fraud, lotteries or obscenity; or fails to observe the Commission's rules.

C. FORFEITURE

A forfeiture is the equivalent of a fine. The Commission was given the power to assess forfeitures when it became clear that there were certain transgressions that did not merit revocation of license but which should not go unpunished. While the amount of forfeitures that can be levied has varied over the

years, the violations range from the failure to post licenses to failure to implement proper EEO procedures — and cover the entire gamut of station operation.

In 1989, Congress amended Section 503(b)(2) of the Communications Act to increase the amount of fines that can be assessed against broadcast licensees. Under the amended statute, a broadcast station licensee, permittee or applicant may be assessed by the Commission "up to $25,000 per violation of each day of a continuing violation, provided that the total amount assessed for a continuing violation may not exceed $250,000 for any single act or failure to act."

On August 1, 1991, the Commission released a Policy Statement (later revised in 1993), establishing new standards for assessing forfeitures. Previously, forfeitures had been dealt with on a case-by-case basis. The Commission instituted base forfeiture amounts for specific classes that were "based on a ranking of the relative gravity of the violation involved." The base amounts were computed as a percentage of the maximum established by Congress for the specific service involved. To determine the actual fine, the Commission employs "upward and downward adjustment criteria," taking into account "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay and such other matters as justice may require."

In 1993, the FCC, by order of Congress, amended its rules to lengthen — to the entire current license term — the statute of limitations for issuing forfeitures to broadcast station licensees.

In 1994, the court set aside the forfeiture standards concluding that they were actually a complex set of substantive rules. The court noted: "it is rather hard to imagine an agency wishing to publish such an exhaustive framework for sanctions if it did not intend to use that framework to cabin its discretion." USTA v. FCC, 28 F.3d 1232 (D.C. Cir. 1994). The FCC is conducting a rulemaking aimed at the adoption of a revised set of forfeiture rules.

In 1996, the Commission officially set aside its EEO Policy Statement that assessed forfeiture for EEO violations. 11 FCC Rcd 5154 (1996).

The following is a summary of the standards and procedures in forfeiture cases. A forfeiture penalty may be assessed against any person found to have:

- willfully or repeatedly failed to comply with the terms of any license or other instrument of authorization issued by the Commission;

- willfully or repeatedly failed to comply with any of the provisions of the Communications Act of 1934, or any regulation issued by the Commission under that Act or under any treaty;

- violated any provision of the Act dealing with payola or rigging of contests; or

- violated any provision of the criminal code dealing with lotteries, fraud or obscenity.

In determining the amount of the forfeiture, the Commission will consider the nature, circumstances, extent and gravity of the violations and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay and such other matters as justice may require.

No forfeiture can be imposed upon any person who is not an applicant or licensee unless, prior to the issuance of the appropriate notice, such person: (1) is sent a citation reciting the violation charged; (2) is given a reasonable opportunity (usually 30 days) to request a personal interview with a Commission official at the field office that is nearest to such person's place of residence; and (3) subsequently engages in conduct of the type described in the citation. However, a forfeiture penalty may be imposed, if such a person is a nonlicensee tower owner who has previously received notice of the obligations for tower maintenance from the Commission or the permittee or licensee who uses that tower.

Before imposing a forfeiture penalty, the Commission, or its designee, will issue a written notice of apparent liability (NAL) that will:

- identify each rule or license provision that the station has apparently violated;

- state the facts upon which such charge is based;

- state the date(s) which such conduct occurred; and

- specify the amount of the apparent forfeiture penalty.

The respondent is afforded a reasonable period of time (usually 30 days from the date of the notice) to show, in writing, why a forfeiture penalty should either not be imposed or should be reduced, or the respondent should pay the forfeiture.

If the proposed forfeiture penalty is not paid in full in response to the notice of apparent liability, the Commission, upon considering all relevant information available to it, will issue an order canceling or reducing the proposed forfeiture or requiring that it be paid in full and stating the date by which the forfeiture must be paid.

If the forfeiture is not paid, the case will be referred to the Department of Justice for collection under Section 504(a) of the Communications Act.

The forfeiture should be paid by check or money order drawn to the order of the Federal Communications Commission. The Commission does not accept responsibility for cash payments sent through the mail. The check or money order should be mailed to Federal Communications Commission, P.O. Box 73482, Chicago, IL 60673-7482.

The issuance of a NAL may not be used in any Commission proceeding to the prejudice of the recipient unless the forfeiture was paid or a court has ordered payment of the forfeiture and such order has become final. (Communications Act, Section 504(c)).

D. DESIGNATION FOR HEARING

In addition to the possibility that a station's renewal application will be designated for hearing as the result of a Petition to Deny (see p. 29 supra.), the Commission may designate the application for hearing on the basis of the information in its own files or as a result of facts and communications that it receives from the public.

When a station's license renewal application is designated for hearing, the Commission will publish a formal order of designation that will state the underlying reasons and the issues upon which the hearing will be held. (FCC Rule 73.3593).

The station is required to give public notice by publication in a newspaper and by broadcast over the station. The notice must state the name of the applicant, the call letters and frequency of the station, the issues on which the hearing will be held and the location of the public file.

Immediately preceding the listing of issues, the notice must state:

> The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the

Federal Communications Commission on (date). After considering this application, the FCC has determined that it is necessary to hold a hearing to decide the following questions:

(List stated issues)

Immediately following the listing of the issues, the notice must state:

The hearing will be held at (place of hearing) commencing at (time), on (date). Members of the public who desire to give evidence concerning the foregoing issues should write to the Federal Communications Commission, Washington, DC 20554, not later than (date). Letters should set forth in detail the specific facts concerning which the writer wishes to give evidence. If the FCC believes that the evidence is legally competent, material, and relevant to the issues, it will contact the person in question.

(Here the applicant shall insert, as the date on or before which members of the public who desire to give evidence should write to the FCC, the date 30 days after the date of release of the FCC's order specifying the time and place of the commencement of the hearing.) (FCC Rule 73.3594).

IF A STATION'S LICENSE RENEWAL APPLICATION IS DESIGNATED FOR HEARING, FOR ANY REASON, THE LICENSEE SHOULD CONSULT COUNSEL.

The 1996 Telecom Act requires the Commission to designate a station's renewal application for hearing and deny the renewal before considering accepting applications for the station's facilities.

E. REVOCATION

The most drastic action that the Commission can take is to revoke the station's license. This step can be taken without waiting for the station's license to come up for renewal.

Section 312 of the Communications Act permits the Commission to revoke a station's license for a number of reasons. Briefly stated, these are:

- for false statements knowingly made either in an application or in any statement of fact made in support of an application;

- because of conditions that have come to the attention of the Commission that would warrant it refusing to grant a license or permit on an original application;

- for willful or repeated failure to operate substantially as set forth in the license;

- for willful or repeated violation of, or willful or repeated failure to observe, any provision of the Act or any rate or regulation of the Commission authorized by the Act or by a treaty;

- for violation of or failure to observe any final cease and desist order issued by the Commission under this section;

- for violation of the provisions of the criminal code dealing with fraud, lotteries or obscenity; and

- for willful or repeated failure to allow "reasonable access" by a legally qualified candidate for federal elective office on behalf of his or her candidacy.

Before revoking a license, the Commission must serve upon the licensee an order for the licensee to "show cause" why an order of revocation should not be issued. If, after hearing, or a waiver thereof, the Commission determines that an order of revocation should be issued, it will issue such order, which will include a statement of the findings of the Commission and the grounds and reasons for the findings. The FCC will specify the effective date of the order, and will serve the order on the licensee.

In any hearing on revocation of a license both the burden of proceeding with the introduction of evidence and the burden of proof is on the Commission.

In the case of stations that have been off the air for prolonged periods of time without receiving authority to remain silent, the Mass Media Bureau has been delegated the authority to issue orders to show cause why the license should not be revoked. 7 FCC Rcd 2118 (1992). Although the 1996 Telecom Act mandates automatic termination of the license of a station that has been off the air continuously for one year, the Commission retains the authority to terminate licenses earlier under the revocation procedures. (FCC 96-218, released May 17, 1996).

PART VIII — SATELLITE TELEVISION

A. USES AND FREQUENCIES

B. DOMESTIC RECEIVE-ONLY EARTH STATIONS

C. UPLINKS

D. LAND USE

E. HOME SATELLITE DISHES

PART VIII- SATELLITE TELEVISION

A. USES AND FREQUENCIES

Recent years have seen a dramatic growth in the use of satellite facilities by broadcasters. Stations use satellite facilities for a wide variety of purposes. These include: (1) reception of regular video and/or audio program network feeds; (2) newswire services distributed by satellite; (3) reception of occasional sporting or other special event programming; (4) reception of remote news feeds; (5) reception of commercials distributed by satellite; (6) origination of video or audio program material for distribution by satellite; and (7) other communications services, including voice and data related to station operations.

There are currently two frequency bands used by domestic satellites, C-band and Ku-band. C-band uses 3700-4200 MHz to receive signals from the satellite and 5925-8425 MHz to transmit to the satellite. The majority of communications satellites currently used for video program distribution use this band. As a result, there is more program material available in C-band. On the other hand, larger antennas (five to nine meters in diameter) are needed for C-band and there are potential interference problems with terrestrial microwave stations that use C-band frequencies.

The Ku-band uses 11.7-12.2 GHz for downlinks and 14.0-14.5 GHz for uplinks. Although propagation losses are higher on the Ku-band than on the C-band, Ku-band satellites tend to be higher in power, and earth station antennas thus may be smaller.

Direct-To-Home Satellite Services

Direct-to-home (DTH) satellite services use satellites to deliver video programming directly to subscribers. There are two different types of DTH services: direct broadcast satellite (DBS) services and home satellite dish (HSD) services. Both offer subscribers many of the same satellite-delivered video programming services typically provided by cable systems, in addition to some offerings not typically available from cable systems. DBS operators: (1) downlink programming from many different satellites pursuant to contracts with programmers; (2) package the programming into service offerings; and (3) make the programming available to subscribers over a proprietary facility. DBS services use satellites to transmit their programming to subscribers, who generally use relatively small (18-24 inch) dishes to receive the programming. By contrast, HSD users

employ relatively large (4-8 foot) dishes to receive unscrambled programming for free, and scrambled programming in a secondary market from program packagers that are licensed to facilitate subscribers' receipt of programming transmitted from various C-band satellites, which is also received by cable operators. HSD users typically purchase HSDs from equipment dealers, and obtain their programming separately from program packagers, some of which also sell receiving equipment. The program packagers authorize subscribers to use the receivers connected to their HSDs to decode and view the programming.

Direct Broadcast Satellites (DBS)

DBS service providers and industry observers predict that DBS subscribership growth will continue at a rapid rate. The number of high-powered DBS services in the United States is limited because the Ku-band spectrum that is needed to provide these services is limited by international treaty. Only eight orbital positions have been allocated to serve the United States. At each of the eight orbital locations, the spectrum is fully distributed among the 32 available channels. Further, it appears that, at most four of the eight orbital locations can be used to provide service to all 48 contiguous states, although the Commission recognizes that this number may increase in the future. In addition, DBS dishes are not generally equipped to receive signals from different orbital locations. Therefore, when creating packages of video programming, DBS service providers are effectively limited to the use of those frequencies for which they hold permits at a given orbital location.

Home Satellite Dishes (HSD)

HSD owners have access to more than 400 channels of programming placed on C-band satellites by programmers for receipt and distribution, of which 115 are scrambled and approximately 285 are unscrambled. HSD owners can watch the unscrambled channels without paying a subscription fee. To receive scrambled channels, however, an HSD owner must purchase an integrated receiver-decoder (IRD) from an equipment dealer and pay a subscription fee to an HSD programming packager. Nationwide, approximately 30 program packagers offer scrambled channels to HSD owners. Like DBS systems, however, HSD program packagers do not provide local broadcast network affiliate channels, which are generally not available on C-band satellites.

B. DOMESTIC RECEIVE-ONLY EARTH STATIONS

In a First Report and Order, 6 FCC Rcd 2806 (1991), the Commission adopted rules that established a registration program for domestic receive-only earth stations that previously were subject to optional licensing procedures. Applications for registration of domestic receive-only earth stations that may have a significant environmental impact must be accompanied by an environmental assessment.

The term of registration for a domestic receive-only earth station will be ten years. Stations used for reception of services from other countries will require a license.

Stations that are used less than 50 percent of the time in a 12-month period may face the loss of registration protection.

STAs will be sparingly granted.

C. UPLINKS

The same First Report and Order, which established a registration system for receive stations, deleted the requirement for an application for a construction permit to construct an uplink for stations operating with domestic satellites and certain other classes of satellite services. Unlike downlinks, uplinks are subject to licensing.

Both an uplink and a downlink may be part of a single unit. This combination, however, must be licensed.

D. LAND USE

The location of satellite dishes has been the source of much litigation. As a matter of general law, land use decisions affecting the placement of towers, transmission facilities, reception facilities and studios are made by state and other local authorities.

READERS ARE CAUTIONED TO ENGAGE LOCAL ZONING COUNSEL TO DETERMINE THE PROVISIONS AND EFFECTS OF THE LOCAL LAND USE ORDINANCES. THESE ARE VERY TECHNICAL MATTERS AND REQUIRE SPECIAL FAMILIARITY AND EXPERTISE.

There is, however, a principle of land use law that permits FCC "override" of the local land use law. That principle is known as "federal preemption."

Such preemption has occurred in the area of the location of amateur antennas, in which the FCC expressed its policy that "local regulations which involve placement, screenings or height of antennas based on health, safety or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose." 101 FCC 2d 952 (1985). This policy is often referred to as "PRB-1."

Similarly in 1986, the FCC preempted local zoning regulations pertaining to satellite receive-only antennas. In the ensuing years there has been much activity on the part of industry organizations urging the Commission to extend its preemption activity to ensure a uniform system of land use controls.

In considering various local ordinances that tended to restrict the erection of satellite receiver dishes, several federal courts have invalidated the local restrictions where these restrictions effectively precluded the reception of signals. Van Meter v. Township of Maplewood, 696 F.Supp. 1024 (D. N.J. 1988); Village of Elm Grove v. Py, 724 F.Supp. 612 (E.D. Wis. 1989). There also have been a number of decisions by state courts on this subject.

In 1992, the FCC specifically preempted the zoning ordinance of Deerfield, N.Y., which, the Commission determined, differentiated between satellite antennas and other antennas and unreasonably restricted the use of satellite antennas on lots less than one-half acre. This action was reversed by the court on procedural grounds. Town of Deerfield N.Y. v. FCC, 992 F.2d 420 (2d Cir. 1993).

In 1996, following extensive rule making proceedings, and in furtherance of Section 207 of the 1996 Telecom Act, the Commission adopted a series of preemption rules prohibiting local restrictions that impair satellite antenna reception, broadcast television and MMDS reception by both governmental and nongovernmental entities. 11 FCC Rcd 5809 and FCC 96-328, released August 6, 1996. These regulations are contained in newly adopted Sections 25.104 and 1.4000 of the Commission's rules.

Because of the importance of these regulations and the frequency with which broadcasters may find themselves confronting local authorities in connection with these facilities, the text of the preemptions is reproduced as Appendix O.

The Commission stressed that the preemption applies to transmitting as well as receiving antennas, except for RF-emission regulations. Similarly, regulation of antennas of two meters or less in commercial zones, and one meter or less in any zone, is also preempted, subject to review by the Commission upon request by the local authority.

While these regulations are complex, they basically establish a system under which local governmental and nongovernmental entities are prevented from restricting the installation of video receiving antennas (subject to size specifications) unless such restrictions are in the furtherance of a clearly defined safety objective or are necessary to preserve a historic district. The rules spell out procedures for obtaining FCC waiver of the preemption.

As explained by the Commission, the preemption permits: (1) local restrictions that do not "impair" antenna installation and signal reception; for example, a requirement that antennas be placed in a rear yard rather than a front yard whenever possible can be enforced; (2) local enforcement of safety rules even if such rules impair reception; for example, prohibitions on the placement of antennas on fire escapes can be enforced; and (3) local enforcement of rules in certain historical districts; for example, restrictions necessary to maintain a unique historical environment can be enforced. Laws, regulations, private covenants, and homeowners' association rules impairing reception outside these narrowly defined areas are unenforceable to the extent that they apply to property within the exclusive control of the antenna user where the user has an ownership interest in the property. In a Further Notice of Proposed Rulemaking, the Commission asks whether the rule should apply to the placement of antennas on common areas or rental properties where the antenna user does not own or control the property.

Other key elements of the order include the following:

- Clarification of the types of rules that will be enforceable and unenforceable. Local restrictions that have some effect on antenna placement and use but do not impair reception should be enforceable without the need for an individual Commission or court ruling.

- For purposes of the rule, "impair" is defined as: (1) unreasonably delaying or preventing installation, maintenance or use; (2) unreasonably increasing the cost of installation, maintenance or use; or (3) precluding reception of an acceptable quality signal.

The Commission concluded that private covenants and homeowners' association restrictions, applied to property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property, are preempted to the same extent as governmental restrictions.

E. HOME SATELLITE DISHES

The proliferation of Home Satellite Dishes (HSDs) has resulted in legislation and rules governing their use. Because they enable the viewer to receive a plethora of signals and can be used in areas with difficult or no off-air reception or cable, these devices have spawned a large industry.

Under the present law, the owner of a home satellite dish may not intercept a program without authorization if:

1. the program is "encrypted," that is put in a form "whereby the aural and visual characteristics (or both) are modified or altered for the purpose of preventing the unauthorized receipt of such programming"; or

2. the program is not encrypted, but the programmer has established a marketing system for granting authorization that is available to the viewer. (47 U.S.C. § 605).

In 1988 Congress passed the Satellite Home Viewers' Act, which serves as the basis for today's scheme of relationships among the programmer, carrier and dish owner. Basically a copyright law, the legislation established a temporary compulsory license scheme for carriers transmitting programs to private parties. The Act contained limitations involving service to "white areas" — households that do not receive adequate signals or that have not subscribed to a cable system providing network service.

The Act set statutory royalty fees for the initial four years with subsequent fees to be determined by negotiations. (17 U.S.C. § 111 et seq.).

PART IX —
COPYRIGHT AND TRADEMARK ISSUES

A. A BASIC DESCRIPTION OF COPYRIGHT AND TRADEMARK LAW

B. COPYRIGHT AND TRADEMARK ISSUES FOR BROADCASTERS

C. MUSIC LICENSING

PART IX — COPYRIGHT AND TRADEMARK ISSUES

This part outlines general principles of copyright and trademark law, and describes how these principles apply in areas of particular concern for broadcasters, including program and commercial production, cable carriage and call sign protection.

A. A BASIC DESCRIPTION OF COPYRIGHT AND TRADEMARK LAW

Television and radio stations are prodigious users of copyrighted material. However, they often fail to focus sufficient attention on copyright law and related questions. And although these issues have always been important to broadcasters, identifying the scope of their rights and the scope of their protection under copyright law has become increasingly important as more and more alternative program delivery methods have come on the scene. Knowledge about copyright and trademark law can both keep broadcasters out of expensive trouble and provide a basis for taking advantage of rights that can be turned into a source of added revenues.

1. Basic Copyright Principles

The basic purpose of the copyright law is to promote the "useful arts" by giving creators the right to prevent others from using their work without paying for it. The copyright law does not protect ideas, but only the creator's particular expression of those ideas. Therefore, a creator or author can seek copyright protection only for something that has been reduced to concrete form, by being "fixed in any tangible medium of expression," such as a manuscript, film or tape.

The Five Basic Exclusive Rights. Ownership of copyright, as of any other property, means the right to exclude others. Ownership includes five specific exclusive rights:

- the right to perform the work publicly;
- the right to copy or reproduce the work;
- the right to distribute copies of the work;

- the right to prepare modified or different versions of the work, called derivative works; and

- the right to display the work publicly.

Broadcasting a program of copyrighted audio or audiovisual work is a "public performance" of that work, because it involves a transmission to members of the public. A cable retransmission of the same broadcast to subscribers is a separate public performance, with the cable operator, rather than the originating station, doing the performing. The playing of broadcast programs in a large commercial establishment over a commercial sound system would be a public performance by the store owner. The playing of a broadcast program on a receiver in a private home, with only members of the family or the normal circle of social acquaintances present, is a performance, but not a "public performance." (A television program would be "displayed" rather than "performed" if individual "stills" from the program were broadcast nonsequentially.)

The broadcast of a program or other work is not a "distribution" or publication of that work. Distribution occurs only when copies of the work are sold, rented, loaned or offered to the "public."

All of the exclusive rights belong to the creator of a work initially, but they can be transferred by assignment or by license. Each of the rights can be transferred separately, and a transfer can be limited in any number of ways (e.g., U.S. distribution rights or broadcast rights in Pittsburgh for three years). The transferee or exclusive licensee becomes the copyright owner of the particular right, within the limits of the transfer.

In general, a broadcaster owns the copyright in a program it has created as soon as that program is "fixed" (e.g., taped). No other steps are required for the station to begin protecting and exploiting its work. Compliance with the legal formalities is prudent, however, and will be necessary if the station later wishes to pursue certain legal remedies that might not otherwise be available.

2. Copyright Formalities

a) Copyright Notice. A copyright notice has three parts: (1) the symbol "©," the word "copyright" or the abbreviation "copr."; (2) the year in which the program is first published (i.e., distributed, not broadcast); and (3) the name of the copyright owner. For video programs longer than 60 seconds, the notice should be placed with the title or credits, or at the end, so that it is visible to viewers. For both audio and video programs, the copyright notice should also be physically attached to the cassette, tape reel or other container.

Although a valid notice is not strictly necessary in order to have an enforceable copyright, it puts others on notice that a copyright will be claimed, and may deter unauthorized use. Without such notice, it may be substantially more difficult to rebut a claim of innocent infringement, and the copyright owner may lose the advantage of increased statutory damages and other remedies for non-innocent infringements.

b) Copyright Registration. Registration requires filing a form, a $20 fee, and one or two copies of the particular program with the U.S. Copyright Office in Washington, DC. Additional information about the federal copyright registration process is provided in excerpts from a Copyright Office publication included as Appendix P.

Registration of a work is not strictly necessary for the validity of the copyright. Registration is, however, a prerequisite to filing an infringement lawsuit under current law. Timely registration also can assure the availability of statutory damages and attorney's fees awards in a later infringement action.

In some circumstances, even if a station is confronted with the problem of unauthorized use of a program it has created, registration can be postponed until just before a lawsuit is actually filed. But if the unauthorized user claims the program as he or she own and registers it before the station does, the prior registration by that competing party may make it difficult for the station to assert its rights.

c) Recordation of Transfer. If a station becomes the owner of a program through a transfer of copyright ownership or the grant of an exclusive license from the original copyright owner, it can record the transfer document with the Copyright Office for a small fee. Recordation can provide priority over some competing claimants. It is also a prerequisite to bringing an infringement suit if ownership of the copyright interest is based on the transfer. Like registration, however, recordation is not strictly required for copyright validity and can be accomplished just prior to filing a lawsuit.

d) Limitations on Exclusive Rights. Although the Copyright Act grants the five exclusive rights to the creator of any work, it also carves out a number of limitations on those rights. For example, a broadcast station's exclusive right to perform its own news programs publicly is subject to the "compulsory license" that allows cable systems to retransmit those same programs for a small fee. There are also a number of special privileges granted to schools, libraries, record companies, horticultural societies, public broadcasting stations and a variety of other copyright users. Some of the limitations relevant to broadcast programs are discussed below.

An important limitation on the exclusive rights of all copyright owners is the fair use doctrine. This doctrine attempts to balance the interest of the public and other authors in having access to information against the general interest in promoting creativity by allowing creators to limit unauthorized use. The factors that determine whether a use of a copyrighted work is a "fair use" (and thus does not require permission from, or payments to, the copyright holder) include:

- the purpose and character of the use, including whether the use is commercial or educational;
- the nature of the copyrighted work being used;
- the amount or importance of the portion used; and
- the effect of the use on the potential market for the copyrighted work.

The material below describes how these factors might apply in some common circumstances for broadcasters.

3. Basic Trademark/Service Mark Principles

The basic purpose of trademark law is to allow the seller of a product or service to protect the goodwill that comes from being identified as the source of that product or service. Trademark law does not prohibit someone else from offering the identical service; instead, it prohibits a seller from attempting to "palm off" its service as that of its competitor. Trademark law is concerned with protecting investments in advertising, protecting a developed reputation for quality and preventing public confusion or deception.

The right to protect a particular trademark (for products) or servicemark (for services) arises from its use in commerce. The strength of the protection provided depends on how distinctive the mark is. Generic or merely descriptive terms for a product or service cannot generally be protected against use by competitors. For example, exclusive use of the identifier "The Radio Station" for radio broadcast services would not be subject to protection. On the other end of the spectrum, arbitrary or "fanciful" names are "strong" marks entitled to broad protection.

Even where a name is descriptive of the product or service, the owners can obtain protection against its use by others if they can prove that they have has developed "secondary meaning" through its use in commerce (i.e., that the public associates the name only with the owner's product or service, not with all products or services that meet the same description).

In the broadcast area, call signs, slogans, program titles, station logos, company names and frequencies or channel numbers are used to designate broadcast services in the marketplace. The protectibility of these various identifiers is discussed below.

Trademark protection is part of a constellation of legal rights falling under the general heading of unfair competition law. The use by a competitor of a servicemark similar to one a station has been using may give rise to a variety of claims under both state and federal law. Remedies for servicemark infringement under federal trademark law, to which the discussion in this chapter is limited, will generally be available if the plaintiff establishes a prior right to the servicemark and shows that the defendant's mark creates a likelihood of confusion among the station's potential audience.

Trademark registration is somewhat more significant than copyright registration, because an early registration can give the registrant substantial rights against competing users who have not registered the same mark, or who register later. Although trademark registration is not a prerequisite to an infringement suit, a properly perfected federal registration can make a servicemark "incontestable" in a lawsuit against an infringer. A basic description of the federal trademark registration process is provided in excerpts from the Patent and Trademark Office publication included as Appendix Q.

B. COPYRIGHT AND TRADEMARK ISSUES FOR BROADCASTERS

1. Station-Produced Programs

Both television and radio stations must be aware of copyright issues when they produce their own programs, such as news programs, public affairs programs, talk shows or music video shows. Stations need both to avoid infringing the copyrights of others and to protect their own copyright interests in the programs they have created.

Infringements can occur when a station copies the works of others or creates "derivative" works by modifying preexisting material or including it in a program-length "compilation" of material from a variety of sources. When the program is broadcast by a television station, besides engaging in a public performance of the works, the station may be "publicly displaying" copyrighted pictures, artworks or graphic works included within the program. If tapes of the program are sold, rented, traded or given away for use elsewhere, the station may be involved in the

"distribution" of copyrighted works of others. It is important to recognize that each of these activities may be a separate potential infringement of another's copyright.

a) A Station's Rights to Use the Works of Others

1) Creating New Copyrighted Work (Work for Hire)

Even when a station creates its own program material, there can be a question about who owns the copyright. The general rule is that if the program material is created by an employee of the station, working within the scope of his or her employment, the station owns the copyright. A problem may arise, however, where the station, for example, uses a report by a freelance reporter in a news program or produces a talk show under an agreement with an independent contractor host.

If an independent contractor is specifically commissioned to do all or part of a program, the station may own the copyright in the material created by the independent contractor if there is a signed written agreement that states explicitly that it is intended to be a "work for hire" under the U.S. Copyright Law. It is advisable for such an agreement to spell out the ownership rights that vest in the station and to include a contingent assignment of any copyright interests that might later be determined to be retained by the independent contractor.

2) Using Preexisting Works of Others

Often, in the course of creating a program, a station uses preexisting works of others. For example, music, a video clip or a work written by someone other than station employees or "work for hire" contractors may be used as part of the program. The problem is obvious when the use is verbatim, but there is also a risk of potential infringement liability if the station includes material that is "substantially similar" to copyrighted work in which the station has no rights. In order to avoid liability the station should have authority, either direct or indirect, for the proposed use. In the absence of direct authority, making diligent inquiry as to the copyright status of the work to be used and maintaining an appropriate "errors and omissions" insurance policy are prudent measures.

Three situations in which a station can claim a right to use preexisting copyrighted work are: (1) the station has obtained permission from the copyright owner; (2) the "fair use" doctrine applies; or (3) the work has entered the "public domain."

(i) License Agreements

The best way to avoid problems is to get advance written permission from the copyright owner for the proposed use. Indeed, exclusive licenses must be in writing to be valid at all. Oral authorization to broadcast copyrighted material as part of a program can protect the station from a subsequent infringement claim, but cannot be used by the station to prevent others from using the same material.

It is also important for the station to get all of the rights it needs. As described above, there are several distinct rights included within a copyright, and a station will be guilty of copyright infringement if, for example, it duplicates and distributes program material it was only authorized to broadcast. Moreover, a copyright owner may limit the rights it transfers in a number of ways, including the duration of the license, the geographical scope of an exclusive license or the media for which the license is granted. Spelling these out in advance avoids uncertainty and potential liability later.

It is important to obtain warranties and indemnifications, as well as copyright licenses, to protect against the possibility that parties do not have the authority to grant the rights they are purporting to assign. A license agreement or release form should therefore include warranties by the granting party that it possesses all of the rights it is licensing, as well as the right to assign those rights, and appropriate guarantees that the station will be indemnified if the "licensed" use turns out to be an infringement.

(ii) The Fair Use Doctrine

The fair use doctrine allows a station to use copyrighted material without obtaining permission or paying compensation. Whether material can be used under the fair use doctrine depends on four basic factors: (1) the character of the use; (2) the nature of the work; (3) the amount being used; and (4) the effect of the use on the work's potential commercial market. These factors must be balanced, applying the circumstances of each particular case. There is no rule that certain uses are, or are not, fair use. In general, however, if the use is commercial it is significantly more difficult to establish that it is a fair use.

"Criticism, comment and news reporting," are potential fair uses of copyrighted material. In addition, the fair use doctrine generally favors the activities of a "second author," that is, someone who uses copyrighted material as a stepping stone to creating new material, rather than simply reselling someone else's work.

In general, station news programs can qualify as the type of program that may take advantage of the fair use doctrine if the other factors balance in favor of the use. However, as a station's program, or even segments within a program, begin to resemble entertainment rather than "criticism, comment and news reporting," it may become more difficult to establish the fair use defense.

The following are examples of programming issues that radio or television broadcasters may encounter, with a discussion of some of the considerations that would go into balancing the four fair use factors in each case:

- Reading verbatim news reports from the local newspaper on air. This activity would be difficult to justify as a fair use, especially if the whole article or the most significant portions of the article are read verbatim. Although news reporting is a favored activity, the use could be seen as directly affecting the market for newspaper subscriptions and as having the purpose of avoiding the cost of a news staff or a wire service subscription.

- It should be noted, however, that the facts and historical events reported by newspaper are not copyrightable. Only the particular expression of those facts and any "substantially similar" version of that expression can be protected.

- Reading a syndicated column, such as "Dear Abby," as part of a daily on-air feature. This would be even more unlikely to be a fair use. Unlike news reporting, it would be difficult to show that the purpose of the use is something other than commercial entertainment.

- The airing of movie clips as part of a newscast movie review. This is probably a fair use, as long as the clips are not so substantial as to affect the market for the full-length movie, or to take on the character of a performance of the film for entertainment rather than critique purposes.

- The showing of clips of other stations' broadcasts of sports games as part of a daily sportscast. Without the consent of the other station, this use may be questionable. Clips that are brief, are from a game that took place on the same day and do not include another station's announcers or extensive camera work, may be more apt to be considered a fair use. At least one court, however, has suggested that the use of clips of games without consent may be an infringement. The use of sports clips in a "highlights of the month" feature, because it moves away from the current news reporting function and begins to resemble entertainment, may be more difficult to justify under the fair use doctrine.

(iii) Public Domain Works

Works are not protected by copyright if they have fallen into the "public domain." Five categories of such public domain works are as follows:

- Works for which copyright protection has expired. Federal law protects copyright ownership for a limited term. The current term is generally 75 years for works created by corporations. Longer terms may apply for copyrights created by individuals. However, depending on whether copyrights were properly renewed under the old copyright law, some material first published less than 75 years ago may already be in the public domain. Legislation has been proposed to extend copyright terms by 20 more years.

- Works for which copyright protection was forfeited. This category includes works that were published before March 1, 1989, without the proper copyright notice, and for which the defect was not cured by a copyright registration filed within five years after that publication.

- Works for which copyright protection has been abandoned. This requires proof of an intention to abandon the work, for example by showing that the original owner destroyed all its own copies of the work or widely distributed the work on an unrestricted basis with no copyright notice attached to it.

- Government works. Neither the government nor its employees, while working within the scope of their employment, can obtain copyright protection for works they have created. Thus, government reports and films, court opinions and a variety of other government publications may be used without compensation or permission.

- Facts and historical events. No one can copyright facts. Only the expression or description of those facts can be protected.

b) A Station's Right to Protect Its Own Program Once It Has Been Created

1) Requirements to obtain copyright protection

The only absolute requirement for a station to acquire a copyright in a program it has created is that the program be fixed in a "tangible medium of expression" that would allow it to be reproduced. Typically, a radio broadcast program is fixed by being taped, a television program by being taped or filmed.

For a live program, a copyright will be created if the program is taped simultaneously with its broadcast. A program could also be "fixed" through a written script that would permit the program to be reconstituted at a later time.

It is not necessary for the station to retain the tape or script of its program for the entire term of the copyright in order to maintain copyright protection. But, unless some sufficiently detailed record of the program is retained, the station may not be able to prove infringement after its tape has been erased or reused. In an infringement action, the allegedly infringing work must be shown to have been copied directly or at least to be "substantially similar," to the original work. Moreover, a "complete copy" of the program or work must be deposited with the Copyright Office as part of a prelawsuit registration. While this deposit copy may be made from the infringing copy, a potential defendant's copy may not often be accessible. Registration and deposit of a single program in a series, such as a station news program, cannot serve to protect other programs in the series.

Beyond the fundamental requirement of fixation, an appropriate copyright notice should be affixed to the tape of any program that is "published." This will put people on notice of the station's intention to protect its rights, and allow the station to claim statutory damages and attorneys fees from an infringer, if a lawsuit later becomes necessary.

The broadcast of a program is not a "publication" but it is acceptable to use the year of broadcast in the copyright notice on the initial program and to change the date to a later year if, and when, the program is published (through distribution of copies) at a later time.

Beyond the copyright formalities, it is important to assert ownership rights in a program promptly and consistently. If, upon learning of any infringing use, a station does nothing, it runs the risk of later being unable to protect its copyright interest were there a lawsuit.

2) The scope of the station's copyright protection

Once the station has created a program and it has been "fixed," the station owns the exclusive right to: (1) perform the program publicly (by broadcast or otherwise); (2) copy the program; (3) distribute copies of the program; (4) prepare adaptations or derivative works based on the program; and (5) "display" the program publicly, for 75 years. These rights apply to all media, and all markets, in the U.S. In March 1989, the United States became signatory to the Berne Convention extending international copyright protection under the Convention to American copyright owners as well. These broad rights, however, are subject to a number of limitations:

(i) Cable Retransmissions

The cable "compulsory license," which is discussed in greater detail below, allows cable systems generally to retransmit any broadcast program without obtaining authorization from the copyright owners of the programs being retransmitted, so long as the cable system pays a statutory license fee to the Copyright Office. Multichannel, multipoint distribution systems (MMDS), and other microwave program distribution systems, are treated as "cable systems" and are entitled to this compulsory license. The Copyright Office is considering to what extent Open Video Systems (OVS) are eligible for the cable compulsory license.

(ii) Satellite Retransmission to Home Viewers

The satellite home viewer "compulsory license," which is discussed further below, allows satellite distributors of programming to private homes to retransmit broadcast stations without obtaining authorization from the copyright owners of the programs being retransmitted, so long as the satellite distributor pays a statutory license fee to the Copyright Office, and limits its delivery of distant network affiliated stations to "white areas."

(iii) Hotel and Apartment House Retransmissions

Broadcast programs may also be retransmitted to hotel guests and apartment residents, provided no direct charge is made to see or hear the retransmission and the hotel or apartment house is located within the "local service area" of the originating station. The "local service area" is defined for television as being, in general, within its Area of Dominant Influence (ADI), and for radio as being within the station's FCC-specified primary service contours.

(iv) Nonprofit Translator or Booster Retransmissions

Government-owned and other non-profit translators and boosters may retransmit programs to the public without payment, as long as the recipients of the service are not charged any fees other than those necessary to defray the actual reasonable costs of operating the facility. Under FCC rules, government-owned and nonprofit translators must still obtain retransmission consent from the stations they rebroadcast; for-profit translators must obtain both retransmission consent and copyright licenses or clearance.

(v) "Passive Carrier" Retransmissions

Broadcast programming can be transmitted by satellite and other common carriers, as long as the carrier has no control over the content of the original broadcast and offers the retransmission to all potential subscribers. This exemption allows satellite carriers to distribute, without copyright liability, the signals of the "superstations" to cable systems nationwide.

(vi) School Classroom Uses

Broadcast programs can be performed in schools, but only where the programs are used "in the course of face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction." It does not permit the performance of broadcast programs for entertainment purposes.

(vii) Public Reception on a Single Receiver

Reception of a television or radio signal in a public space is a public performance of the copyrighted programs being received. Such public reception is exempt from copyright liability as long as: (1) the reception is on "a signal receiving apparatus of a kind commonly used in private homes"; (2) no direct charge is made to see or hear the transmission; and (3) the transmission is not further transmitted to the public. This exemption allows small commercial establishments open to the public to provide television or radio broadcast programming for their customers. If the establishment is too large, or uses a commercial-type sound system, adds multiple speakers (e.g., more than four), or uses satellite receiving equipment or decoders, the exemption does not apply. While broadcasters generally do not object to the broadcast of their signal in commercial establishments, the copyright owners of music in broadcast programming often do. A discussion of this issue is included in Section C of this part.

(viii) Library and Archival Copying

Libraries and archives operating without commercial purpose and whose collections are open to the public are entitled to make one copy of any work and to make it available to the general public.

(ix) Fair Use

To determine whether any particular use of a station's programs qualify as fair use, the four fair use factors discussed above must be balanced in light of the particular circumstances. The videotaping of broadcast programs in private homes for other than commercial purposes is a permissible fair use of broadcast programs.

Any commercial use, however, is significantly more difficult to justify as a fair use. Videotaping off-air news programs and offering excerpts for sale to people or institutions mentioned in news stories has been held to infringe the station's copyright in the stories.

(x) Works of Others in a "Compilation" Program

If the station's program is a compilation of copyrighted works, some of which are owned by others, the station's right to protect its program is limited to the portions that it owns itself. For example, if a station uses a report created by a news service and provided to the station under a limited license, it would not be able to prevent unauthorized use of that report in another market, although the news service would. Similarly, where a license to use music videos in a station-produced music video program is a non-exclusive license limited to performing rights, the station could not sue any other station for broadcasting the same music videos. If the station's entire music video program were broadcast by another station, the originating station's copyright claims would be limited to protecting the portions of the program that it created itself (e.g., the work of any on-air talent, and the compilation, or the selection and ordering, of the music videos).

2. Broadcast Monitoring and Clipping Service

A $50 million "broadcast monitoring" industry has emerged, consisting of companies that often copy the entire broadcast day of television stations and other video and audio services, monitor and catalogue their programs and news segments, and sell, for a profit, summaries of the program contents and/or clips of the programs themselves. The activities of these companies have been successfully challenged by broadcasters and others whose programs have been copied and disseminated on the grounds that they constitute copyright infringement.

Legislation has been introduced and congressional hearings have been conducted on the issue of whether some or all of the activities in which clipping and monitoring services engage should be legalized under the fair use doctrine. Negotiations between representatives of broadcast monitors and copyright owners of programs they copy and sell are being held under the auspices of the Copyright Office.

Stations that become aware that their copyrighted programming is being copied and/or disseminated by one of these services may wish to consider bringing a copyright infringement action or attempting to negotiate a license agreement with the service.

3. Sports and Live Performance Programming

a) Nonmusical Live Performance

In general, performers, such as parade participants or sports teams, are not engaged in "authorship" when they perform, and do not have a copyright ownership interest as a result of their live performances. There may, of course, be an underlying copyrighted work involved. Where, for example, a theater group performs a copyrighted play, a station broadcasting the performance must have a copyright license for its own public performance (i.e., the broadcast) of that play. The theater group, while it may have "related" property rights, has no copyright interest in the live performance.

In broadcasting such a performance, the television station may be engaged in a separate act of authorship by virtue of the work of the commentators, camera crew, directors and audio engineers who produce the program. Thus, if the telecast or radio broadcast involves creative work and is "fixed," the station acquires a new and separate copyright interest in the program.

Sports teams and other performing groups have rights other than copyright, such as the common law "right of publicity" and the ability to control access to the stadium or concert hall, which enable them to exploit the value of their performance. While broadcast stations may be able to assert a First Amendment right of access to newsworthy events or locations, such as an accident site or a hearing, they are not assured access to sports or entertainment events. For example, a television station was found to have violated the right of publicity of a "human cannonball" performer by broadcasting his entire 15-second "act" as part of the station's daily newscast. In another case, a court refused to prohibit a station from broadcasting a parade on grounds of copyright infringement, despite the fact that another station had been granted "exclusive rights" to broadcast it, because the parade itself could not be copyrighted. Each station's telecast of the parade would be a separate copyrightable program. The court left open the possibility, however, that the station without "exclusive rights" could be found liable for unfair competition, along the same lines as the human cannonball case.

The basis for protection of a performance event may make an important difference in what kinds of rights (and revenues) are available to the station after the initial broadcast. In another parade case, for example, a freelance producer was able to sell his footage of a parade, over objections by the parade's organizers, for use in a motion picture. Absent any contractual limitations on the station, if it owns the copyright in its telecast or radio broadcast version of a live event, it has the exclusive right to exploit that program in any other way.

Exploitation rights to sports games, especially those involving professional and major collegiate sports leagues, are often expressly covered by contract. In exchange for the broadcast rights, the teams or leagues typically require the station to assign its copyright interests, or at least split copyright ownership, in the broadcasts of the games. If a contract does not so provide, then the station may retain the entire copyright in the game programs, or, at the least, the station and team might be joint owners, each entitled to 50 percent of the revenues from any exploitation of the copyrighted game broadcast program.

If the creative work in producing a broadcast is done by someone other than station personnel (for example, where a sports team buys station time to air games the team produces itself), the station would not own the copyright in it. But in all other circumstances, stations should be aware, when negotiating with sports teams or the promoters of other live events, that it is the station that will own the copyright in the program initially and that any assignment of rights by the station to the promoter or team should be compensated.

b) Live Musical Performances

It is unlawful not only to sell bootleg tapes of a live musical performance, but also to record or broadcast such a performance without the consent of the performers. Performers have copyright-type remedies (e.g., lawsuits for damages and injunctions) against unauthorized recording, or broadcasting, of their live performances. Criminal penalties may also be imposed on a person who records or broadcasts a live musical performance without the performer's consent, if he or she does so knowingly and for the purpose of "commercial advantage or private financial gain."

This right for musical performers means that, as a practical matter, broadcasters must obtain an additional clearance when they record or broadcast live music. Their blanket or per-program music performance license from ASCAP, BMI, or SESAC, discussed below, will not cover the performer's separate right to prevent unauthorized use of his or her live performance.

4. Commercial Production

While the copyright issues for commercial matter produced by stations are much the same as those discussed in Section B1 above, the emphasis is somewhat different for commercial production than for program production.

a) Ownership by the "Author"

Typically, advertising material is created by the agency or the advertiser. In such circumstances, copyright will be held by the advertiser or agency from the start.

If, however, a station does the principal creative work to develop a campaign for a client, working independently subject to the ultimate acceptance rather than with active participation of the client, the station would be able to claim copyright ownership of the commercials it has produced. For example, if a station creates a campaign for use on the station that is so successful the advertiser later decides to use it elsewhere, the station would have the right to be compensated for any additional use, either through a license arrangement providing for royalty payments geared to the amount of further use, or through a one-time payment for the outright assignment of the copyright to the advertiser.

Stations will often agree, instead, that spots they create for a client advertiser will become the advertiser's property. But if a station's relationship with a particular advertiser allows it to be more aggressive, and if compensation cannot be obtained through an agreement, a range of copyright remedies would be available to the station, including injunctions against further use, as well as damages.

For example, a newspaper that had created an advertising layout for an advertiser sued a competing newspaper for copyright infringement after the competitor had published the same layout at the advertiser's request. Although the advertiser would also presumably have been liable as a contributory copyright infringer, the first newspaper sued only its competitor. This case illustrates both the potential advantages for a station that perfects its copyright ownership of commercial material it has created, and the risks a station may encounter in broadcasting commercial matter provided by an advertiser, as to which the advertiser neither owns the copyright nor has provided an adequate warranty and indemnification.

b) Fair Use

Unlike station-produced news programs, there is typically no question that the nature of the use for advertising material is purely commercial. For this reason, it is unlikely that any unauthorized use of another's copyrighted material in producing a commercial will be considered a fair use.

c) Music Rights

The blanket licenses provided to radio and television stations by ASCAP, BMI and SESAC cover only the performance of music by the stations. If a station records music as part of its production of a spot, it would be engaged in reproduction of the musical work (called "synchronization" when the music is recorded on a video program or spot). If a station uses prerecorded music, it could also engage in reproduction of the sound recording. To avoid copyright infringement liability, a station may need to obtain a synchronization rights or reproduction rights license from the owner of the music and the sound recording, in addition to its blanket performance license. Stations using stock music from one of the commercially available music library services should be sure to obtain a reproduction rights license (although such a license may be implied by the circumstances of the transaction). Use of other music (such as popular recorded music) will require clearance, and possibly payment of a synchronization rights fee. Clearance of much popular music for inclusion in commercials can be obtained through the Harry Fox Agency in New York ((212) 370-5330).

A station doing production work may be liable for infringement even if the spot is being produced under the direction of an agency or advertiser. Where the station actually commits the infringing act, for example copying copyrighted music as part of a commercial spot, it will be liable as an infringer. Moreover, the station may be liable as a contributory infringer if the advertiser makes additional copies and distributes those copies, violating two more of the copyright owner's exclusive rights. Even if a station engaging in infringing activities does not know, and has no reason to know, that its actions are infringements (for example, because of the absence of a proper copyright notice), it may still be found liable for the infringement.

d) Trademark Issues in Comparative Advertising Production

One special issue that may be raised in commercial production is the permissible use of trademarks and servicemarks, as opposed to copyrighted material. In particular, a station may be faced with a question about the use of competitors' trademarks in comparative advertising spots.

In comparative advertising, there is typically no "palming off" attempted; rather, the point of the advertising is to distinguish the advertiser's own product from its competitors', and trademark infringement is unlikely to be found. Where the use of competitors' trademarks or servicemarks raises a reasonable likelihood of confusion, however, such use could be an infringement. To avoid this danger, comparative advertisers sometimes include a legend specifying that the competitor's trademark is a registered trademark of the competitor company.

Another area of concern in comparative advertising is trade disparagement. That is, rather than using a competitor's trademark in order to confuse the public into thinking that the trademark identifies the advertiser's own products, the advertiser might improperly use its competitor's trademark by suggesting that it represents a defective or inferior product. The Federal Trade Commission has expressed concern that blanket prohibitions on disparagement might improperly restrict truthful comparative advertising. But false, misleading or untruthful disparagement continues to be subject to potential FTC sanctions, and to private lawsuits.

e) "Sound Alike" and "Look Alike"

Though not technically a copyright or trademark issue, an emerging area of concern in the production of commercials is the intentional imitation of the distinctive sound or look of celebrities without their consent. Large damages have been awarded to singers under California's "right of publicity" law against advertisers and advertising firms using "sound alike" singers who imitated well-known entertainers. The federal unfair competition law was successfully invoked in a case involving a visual impersonation of a celebrity in a print advertisement. Causes of action for such imitations may depend on state law. Some states do not recognize a right of publicity at all, while others only recognize such a right with respect to the use of one's likeness. There are also differences from state to state on whether such a right can be enforced by the heirs of a celebrity after his or her death.

5. Program Contracts

Much television and radio programming, of course, is bought from program syndicators rather than created by broadcast stations themselves. While stations often pay little attention to the provisions of the standard syndicator's contract form that relate to copyright, a mistake in the copyright clauses can later destroy much of the value of the product.

The basic objective with respect to copyright language in program contracts is for the station to get everything it needs. First, the station should determine which of the five exclusive rights it is buying: performance, display, copying, distribution or adaptation rights. In most cases, of course, television or radio public performance rights (i.e., the right to broadcast) are all that will be required.

Second, the station should be concerned with the extent of any exclusivity it is obtaining. Exclusive performance rights, for example, can be limited to specific media, a particular geographic area and a specific period of time. A television station may want or need exclusivity against not only other full power commercial

television stations, but also noncommercial television, low power television, cable local originations, satellite transmitters, video on-demand services or even movie theaters. Although not currently customary (and although the increasingly prevalent barter syndicators may have an incentive not to license competing users), licensing to some of these alternative media may become more viable in the future. A station may find that, when a new local competitor begins delivering the same program, the station has no copyright remedy because its contract did not grant exclusive rights against that other medium. Where simple contracts for one-time sports events, for example, have granted only "local broadcast rights," stations have sometimes been surprised to find all or part of the same program coming into their markets via cable networks or even broadcast network clips authorized by the program distributor.

There is no copyright limit on the permissible geographical extent of exclusivity. There is an FCC rule, however, that prohibits the purchase of exclusive rights against television stations located more than 35 miles away unless they are licensed to other communities in the same hyphenated market.

Broadcasters who purchase exclusive performance rights in programs become the actual copyright owners of the programs, to the extent of those rights. If another station in the market were to broadcast the same program, the "exclusively licensed" station could sue the other station for infringement of its own copyright. This provides an additional remedy, over and above a breach of contract right against the syndicator.

6. Television Broadcast Day or Radio Format

When a television broadcast station creates a "broadcast day," consisting of a combination of programs owned by itself and others, it creates a new copyrightable collective work that is separate from the individual works. When a radio broadcaster creates a format, using music and other program elements, it also creates a new, separate copyrightable work. These works are called "compilation" works.

As with other copyright works, the only absolute requirement for claiming copyright in a broadcast compilation is that the compilation be fixed in a tangible medium of expression. This can be accomplished directly, through audiotape or videotape, or indirectly, through a detailed program log and playlist. The use by television stations of a "slow tape logger," which does not produce a tape adequate for a verbatim replay of the entire broadcast schedule, has been found to be adequate for copyright fixation purposes.

For syndicated radio program services, it is largely the selection, ordering and "packaging" of music that is being sold. A station's ASCAP, BMI and SESAC

blanket licenses cover the performance of music included in such services, but if a station performs a copyrighted format without authorization, it potentially infringes the compilation copyright of the syndicator.

Copyright notice can be applied to a station's broadcast day compilation by broadcasting the notice at sign-off and by affixing the notice to the program log or tape that is used to fix the compilation.

7. Cable

A cable system engages in a public performance of a program when it retransmits that program to the public. For cable services such as HBO, the cable system obtains a license directly from the program distributor. But for broadcast stations, Section 111 of the Copyright Act grants cable systems a "compulsory" license. This license generally allows any cable system to retransmit any broadcast station it is permitted by FCC rules to carry (including retransmission consent rules), upon payment of royalties to the Copyright Office. The royalty payment system is described in more detail in the "Guide to Cable Copyright Payments," included as Appendix R. The royalties are distributed by the Copyright Office to copyright owners, including broadcast stations. The distribution process and the means by which broadcast stations can claim a portion of the royalties are described in Part X.

The cable compulsory license is limited. It does not permit non-simultaneous retransmissions (except by cable systems outside the contiguous 48 states), any copying or distribution of broadcast programs, any alteration of the programs the cable system retransmits or any deletion or substitution of commercials in or adjacent to such programs. If a cable system violates any of the conditions of the compulsory license, it can be sued for copyright infringement.

If, for example, a cable system fails to file its semiannual Statement of Account, or to pay the royalties it owes for the carriage of a station, owners of programs retransmitted on the station can sue for infringement and, among other remedies, can be awarded either: (1) their actual damages plus the cable system's profits resulting from the infringing retransmission; or (2) "statutory" damages. These statutory damages range from $200 to $100,000 for each infringement (i.e., each retransmission of each program), depending upon the willfulness of the infringing conduct.

If a station has a license to broadcast a syndicated program, and that program is retransmitted into the station's market by a cable operator in a manner that violates its compulsory license, the Copyright Act treats the local station as the owner of the program for purposes of suing the cable system for infringement.

Special enforcement remedies are also available to television and radio stations against cable systems that clip or modify programs or delete or substitute commercials. In addition to the owner of the program, the distant signal station on which the altered program appeared and any station into whose market the system is bringing the distant signal can sue for infringement, even if the altered program is not licensed to any station in the market. Remedies for such nonowner stations, however, are limited to an injunction and their costs and attorneys' fees.

8. Satellite Program Distribution

A "satellite carrier" also engages in a public performance of a program when it retransmits that program to subscribers. Like cable systems, satellite carriers obtain licenses directly from cable networks, such as ESPN, when they distribute their programs to home dish viewers. But to retransmit broadcast stations, a satellite carrier must comply with the terms of the compulsory license provided in Section 119 of the Copyright Act, including payment of royalties to the Copyright Office, which are distributed to broadcast stations and other copyright owners of the retransmitted programs.

Stations that own programs that are distributed to home dish viewers via satellite should file claims with the Copyright Office during the month of July following the year their programming was carried. For further details on how to file a claim, contact the Copyright Office at (202) 707-8150, or the NAB Legal Department at (202) 429-5430. While NAB does not represent stations in satellite royalty distributions proceedings, a station group has been formed to do so.

The satellite compulsory license includes the same limitations described above with respect to the cable compulsory license and several others. The license is limited to providing service only for private home viewing, not to commercial establishments. Also, the license for carrying network programs authorizes retransmission only to subscribers who cannot receive a Grade B intensity signal from any affiliated station of the network and have not been recent subscribers to a cable system carrying the network programs. Satellite carriers are required to provide networks with subscriber information necessary to assure compliance with these limitations, and willful failure to provide such information constitutes copyright infringement. Network-affiliated stations have encountered considerable difficulties with enforcing this so-called "white area" limitation on the delivery of distant signals. A copyright infringement suit has been brought by an affiliate in Amarillo, Texas, against a satellite carrier, and other such lawsuits are anticipated.

An additional remedy for violations of the white area limitation is available under the retransmission consent provisions in Part 76 of the FCC's rules.

9. Trademark Protection of Call Signs and Slogans

The principal thrust of federal and state trademark laws is to protect the goodwill represented by a recognized trademark or servicemark from misappropriation by a competitor who adopts a mark similar enough to cause a likelihood of confusion among consumers. Broadcast station call signs, slogans, logos, program titles and other identifiers are entitled to such protection as servicemarks.

In deciding whether there is a sufficient likelihood of confusion to enjoin a competitor's use of a similar call sign, slogan or other servicemark, courts will consider seven factors: (1) the degree of similarity between the marks; (2) the similarity of the programming services offered by the two stations; (3) the area and manner of concurrent use of the marks by the two stations; (4) the degree of care likely to be exercised by listeners and viewers; (5) whether the servicemark is a "strong" mark (that is, whether the mark is arbitrary or suggestive as opposed to descriptive or generic, or, if it is descriptive, the extent to which it has developed a "secondary meaning" strongly identifying the particular source of the service); (6) the degree of any actual confusion; and (7) the intent on the part of the alleged infringer to "palm off" his mark as that of another.

If the owner of a station obtains federal servicemark registration of, for example, a slogan it has begun to use in one broadcast market, it gains priority over later station users of the same slogan in any U.S. broadcast market it later enters. Conversely, a station can suddenly be barred from using the slogan it has used in its own market for years because someone else had already registered it based on even earlier use elsewhere. For this reason, a trademark search should be performed whenever a company is considering a substantial investment in a new slogan or other identifier.

Call Signs. The FCC no longer regulates broadcasters' use of confusingly similar call signs. However, in part because of this "deregulation," the Trademark Office has decided to allow stations to register their call signs as "service marks." Both radio and television stations have successfully enjoined the use by competitors of similar call signs, in both state and federal courts. For example, an Indiana radio station using the call letters "WMEE" obtained an injunction against the use of the call letters "WMCZ" by another station in its market; and a Maryland station, "WBOC-TV," successfully barred the use of the call letters "WBOT-TV" by a station in Philadelphia. In the latter case, in addition to some signal overlap, there was extensive cable carriage of both stations in Delaware. The court noted that call letters are especially important in cable television markets, because channel numbers are not as meaningful an identifier for cable viewers.

Slogans. Station slogans or other identifiers will receive greater protection to the extent they are either arbitrary, fanciful or suggestive, or, if merely descriptive, can be shown to have developed a strong "secondary meaning" among the local audience through long use and heavy promotion. For example, if a radio station with the call sign "KIKN" used a slogan such as "Kick'n Country," it would be more likely to receive protection than if it used a slogan such as "Your Country Music Station." Merely descriptive marks may be refused federal registration, and are less likely to be protected by an injunction against a confusingly similar mark. The same would hold true for program titles, company names and other identifiers.

Frequency or Channel Identifiers. One particular problem that has arisen for broadcast stations is in the use of frequency or channel number slogans. For example, a court allowed a station broadcasting on 107.5 MHz to use the slogan "FM 107," even though another station in the market, broadcasting on 106.7 MHz, had been identifying itself as "FM 107" for eight years. Another station operating on 98.5 MHz was permitted to identify itself as "99 FM," where a competing station in the market had been using the same slogan for three years. Courts have been reluctant to protect whole-number identifiers that accurately describe a station's approximate location on the radio dial, and have found that listeners identify the station whose music or programming they prefer by association with the station's call sign or other identifier. The use of a hybrid frequency identifier, such as "Kick'n 99," can be protected, even though the user has no right to exclusive use of "99." In filing a servicemark registration for such a hybrid mark, the applicant typically "disclaims" use of the frequency number standing alone.

10. Use of Olympic Symbols, Emblems, Trademarks and Names

Federal law provides the United States Olympic Committee with the exclusive right to use: 1) its name; 2) the symbol of the International Olympic Committee (IOC), consisting of five interlocking rings; 3) its own emblem, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with five interlocking rings; and (4) the words "Olympic," "Olympiad," "Citius Altius Fortius" or any combination of these terms.

The committee may sue any person using these terms or symbols, without its consent, for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance or competition. The committee may also sue anyone who employs any trademark, trade name, sign, symbol or insignia falsely representing association with, or authorization by, the committee or the IOC.

C. MUSIC LICENSING

Under Section 106 of the U.S. Copyright Act, a station "performs" copyrighted music when it broadcasts it. In order to avoid a claim of copyright infringement, a station must get permission from the copyright owner to perform the music. Permission to broadcast copyrighted music may be obtained directly from the copyright owner or, more commonly, from a music licensing organization. Most stations obtain permission from one or more of the music licensing organizations in the United States: American Society of Composers, Authors and Publishers (ASCAP); Broadcast Music, Inc. (BMI); or Society of European Stage Authors and Composers (SESAC). The terms of ASCAP and BMI music licenses are subject to federal antitrust consent decrees, and are also subject to review by a federal court in New York.

1. Radio

Radio broadcasters have had license agreements with ASCAP since 1935. Initially, this agreement required broadcasters to pay 5 percent of their net receipts plus an amount based on their rate cards. In 1940, the initial license expired, and ASCAP demanded a 70 percent increase in fees. In response, many broadcasters protested by forming a new licensing organization BMI. SESAC, the smallest of the three organizations, is a private music licensing company. Today, most licensing is done by these organizations.

There are two basic types of music licensing agreements for radio stations: blanket licenses and per-program licenses. Both the blanket license and the per-program license permit the station to broadcast all music compositions which the society has in its repertory. Under a blanket license, a station pays a percentage of all of its adjusted revenue to the licensing organization (e.g., ASCAP's blanket license rate is 1.615 percent). However, under a per program license the station pays a higher percentage of revenue from those periods in which music from the licensing organization is used. ASCAP provides a simplified flat fee for stations with annual revenues of $150,000 or less. It may be advantageous for a primarily all-news or all-talk station to use a per-program license. ASCAP, BMI and SESAC offer the blanket license, while only ASCAP and BMI offer the per-program license.

The Radio Music License Committee (Committee), comprised of broadcasters from small and large stations, negotiates music license agreements for radio with ASCAP and BMI. SESAC will only negotiate with individual broadcasters and not with the Committee. The Committee is entirely voluntary and funded from contributions by radio stations.

The latest ASCAP and BMI license agreements were negotiated in 1996 and 1993, respectively, by the Committee. The ASCAP agreement is effective through the year 2000. The BMI agreement expires at the end of 1996. Stations must submit financial reports on April 1. Broadcasters must pay a percentage of the fee each month. New stations should contact ASCAP, BMI and SESAC before going on the air. Questions or concerns regarding music licenses for radio should be directed to the Committee by calling (410) 866-5594.

The National Religious Broadcasters Music Licensing Committee (NRBMLC) has also actively represented the music licensing interests of religious broadcasters and some classical and foreign language stations who assert that the blanket/per-program licensing structure unfairly requires them to pay for blanket licenses though such stations play far less music than all-music stations for which the blanket license is structured. The NRBMLC is pursuing remedies both at the Rate Court and in Congress. This committee can be contacted at (800) 784-1398.

2. Television

The Television Music Licensing Committee (Committee), which is a voluntary organization funded by contributions from television stations, negotiates music license agreements on behalf of television stations with ASCAP and BMI. (SESAC deals with stations directly.) These licenses cover performance rights to music contained in prerecorded (nonnetwork) television programs and commercials.

For years, music licensing organizations only agreed to provide television stations with "blanket licenses," covering the rights to their entire inventories. The fees were based upon a station's revenues, regardless of how much music the station actually used. In a landmark decision rendered in 1993, a federal court in New York determined that ASCAP fees from 1983 through 1995 were to be based on a flat fee, using fees paid in 1972 as a base, with annual adjustments for inflation and the number of licensed stations. Starting in 1995, individual station shares of the industrywide blanket fee began to be determined by the number of weighted households in its Designated Market Area (DMA) and its market share. The decision also provides stations with the opportunity to secure "per-program" licenses which, while administratively more cumbersome, can result in substantial cost savings.

Negotiations with BMI seeking to resolve past and future licensing disputes are ongoing. BMI's blanket license rates have generally been pegged at a given percentage of the ASCAP rate. BMI has also offered a per-program license on terms comparable with that of ASCAP.

Questions or concerns regarding music licenses for television should be directed to the Committee by calling (212) 308-9040.

3. Storecasting

The public performance licenses obtained by stations do not authorize the use of music included in their signals by businesses for background music (storecasting). Thus, businesses that disseminate broadcast station signals in their establishments generally must obtain additional licenses from performing rights organizations unless they qualify for a statutory exemption.

Exemptions to the requirement to obtain public performance licenses include use of music in teaching, state fairs, religious services, in-store record promotions, certain limited nonprofit performances and by relatively small commercial establishments that transmit music included in broadcast signals. The scope of this last exemption for small businesses has been the source of much litigation and continues to be the most difficult to apply.

The small business exemption only applies to the playing of broadcast stations on a single receiver of a kind commonly used in private homes where there is no direct charge made to see or hear the broadcast and where the broadcast is not "further transmitted" to the public. In interpreting the scope of this exemption, courts have considered such factors as the square footage of the business; whether a public address or other commercial sound system is used to disseminate the broadcast signal; the number of speakers connected to the receiving device and the wiring system by which they are connected; and the ability of the business to afford a subscription music service. Generally, courts appear to have been reluctant to recognize the exemption in situations where a business is using more than four speakers covering an area exceeding approximately 1,100 square feet. Some courts also have refused to apply the exemption where the annual sales volume of a business suggests that it could, as a practical matter, afford to subscribe to a commercial background music service.

In a significant departure from prior court rulings, two federal appellate courts issued decisions in 1991 and 1992 upholding the applicability of the exemption with respect to chain stores that acquired home style receiving devices and speakers for use in their stores. One of these courts rejected as irrelevant both the square footage and financial means criteria, while the other court rejected the financial means criterion, but continued to consider square footage in allowing the exemption to apply to stores with more than 2,000 square feet. Both courts appeared to focus primarily on whether the receiving apparatus used, and its configuration, was similar to that commonly used in private homes. The result of these decisions is that the scope of the small business exemption may be

considerably broader in Illinois, Indiana, Wisconsin, Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota than in other jurisdictions. Attached as Appendix S is an NAB Counsel memo that addresses this issue in greater detail. Businesses that have been contacted by a music licensing organization concerning the need to acquire a performance license, and who believe they qualify for the small business exemption, are advised to contact their attorney.

4. Music-on-Hold

Within the past few years, music licensing organizations have taken the position that businesses that play radio stations on the "hold" function of their telephones must obtain licenses to cover the performance of music that might be played by the station while the caller is waiting for service. The validity of this position has not yet been fully litigated. Accordingly, businesses contacted by music licensing organizations regarding the use of radio stations on the hold function of their phone system must decide whether to secure the license, discontinue use of the radio station or challenge the validity of the need for securing a license.

PART X — CABLE TELEVISION RULES

A. MUST CARRY RULES

B. RETRANSMISSION CONSENT

C. NON-DUPLICATION AND PROGRAM EXCLUSIVITY

D. COPYRIGHT ROYALTY DISTRIBUTION

PART X — CABLE TELEVISION RULES

INTRODUCTION

The Cable Television Consumer Protection and Competition Act of 1992 imposed significant new regulation on the cable television industry. For broadcasters, the most important provisions of the 1992 Act were those reestablishing "must carry" requirements for local commercial and noncommercial television stations, and the provision establishing the right of commercial broadcast stations to control the use of their signals by cable systems and other multichannel video program distributors.[56] These provisions add to the FCC's existing rules governing deletion of certain programming on distant signals imported by a cable system. This part summarizes these rules, as well as the Copyright Office's rules concerning royalty payments cable systems must make when they carry distant broadcast signals.

A. MUST CARRY RULES

1. Carriage Requirements

Cable systems with more than 12 channels "must carry" all local commercial television stations, up to one third of the system's channel capacity. Systems with 12 or fewer channels only have to carry three local commercial signals, and if such a system also has 300 or fewer subscribers, it is only required to continue carrying the local commercial signals it carried as of October 5, 1992. If a station that is eligible for must carry is carried by a cable system under a retransmission consent agreement, that station is counted as part of the cable system's must carry obligations.[57] (FCC Rule 76.56(b)).

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[56]The must carry provisions of the 1992 Cable Act have been challenged by the cable industry as unconstitutional. This case is pending as of this writing. Turner Broadcasting System v. FCC, U.S. No. 95-992. It is expected that this case will be argued in the fall of 1996 and will be decided in the spring of 1997.

[57]If the number of qualified local commercial television signals is not sufficient to fill a cable system's must carry channels, the system may be required to carry one or two signals of local low power television stations. In order to qualify for carriage, an LPTV station must satisfy a number of conditions and agree to accept all of the programming and equal employment opportunity obligations imposed on full power television stations.

Carriage of noncommercial signals is in addition to the commercial signal requirement. Systems with 12 or fewer channels generally must carry the signal of one noncommercial station; systems with 13 to 36 channels are required to carry up to three qualified noncommercial signals; and systems with more than 36 channels must carry all qualified noncommercial signals. For commercial stations, the right of carriage is automatic; noncommercial stations must request carriage from local cable systems. (FCC Rule 76.56(c)).

Cable systems are not required to carry the signals of two stations that substantially duplicate each other's programming or two affiliates of the same broadcast network.[58] Cable systems may choose to carry duplicating signals, and if they do, carriage of both signals counts toward the system's must carry obligation. Commercial stations are deemed to substantially duplicate each other if they simultaneously broadcast identical programs for more than 50 percent of their broadcast week. Different episodes of the same series are not considered identical programming.[59]

2. Which Signals Must Be Carried

Cable systems must carry "local commercial television signals." These are full power commercial television stations within the same television market as a cable system.[60] A station's television market is defined as its Area of Dominant Influence (ADI) established by Arbitron in its 1991-1992 ADI Television Market Guide until the must carry/retransmission consent elections of 1999. For that election and thereafter, Nielsen's DMA Market and Demographic Rank Report will be used to establish a station's television market.[61] In addition, a station will always be deemed to have must carry rights in its home county. 8 FCC Rcd 2965 (1993) [hereinafter Must Carry Rules]. The Act permits the FCC to modify a station's television market at the request of a station or a cable system. If a community is

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[58]FCC Rule 76.56(b)(5). If two affiliates of a network are both qualified for carriage, the cable system must carry at least the one whose city of license is geographically closest to the cable system's principal headend.

[59]On the other hand, the FCC has ruled that stations in contiguous time zones that broadcast the same program one hour apart will be deemed to be airing those programs simultaneously.

[60]FCC Rule 76.55(c). In a few instances, noncommercial religious stations that do not meet the qualifications for carriage under the noncommercial must carry provisions, will be entitled to carriage under the commercial must carry rules.

[61]Report and Order and Further Notice of Proposed Rule Making in Docket No. 95-178, released May 24, 1996.

added to, or removed from, a station's defined market, the station will either gain or lose must carry rights on the cable system(s) that serve that community. If a unified cable system serves communities in more than one television market, it can either provide different sets of signals to different parts of the system or choose to provide the must carry signals from both markets to all of its subscribers. Id. at 2975-76.

In order to qualify for must carry, a station must provide a good quality signal to the principal headend of a cable system. Cable systems with multiple headends must designate one as the principal headend and that designation cannot be used to avoid must carry obligations. Good quality signals are defined solely in terms of signal strength, and the FCC has ruled that cable systems must measure television signals using the same equipment they use to receive television signals generally. 8 FCC Rcd 4142, 4143 (1993). If additional equipment is needed to receive a signal of sufficient strength, the station is responsible for the cost of that equipment. Stations may also satisfy the good quality signal requirement by providing a cable system with a baseband video signal. Stations that are "distant signals," for copyright purposes, on a cable system do not qualify for must carry unless that station agrees to indemnify the cable system for any incremental copyright fees that the system incurs from carrying the station.

Noncommercial signals that were carried on a cable system as of March 29, 1990, must continue to be carried. Other noncommercial stations will be deemed to be qualified for must carry status if the reference point for their community of license is within 50 miles of the principal headend of the cable system. Noncommercial stations must also provide a good quality signal and be copyright free (or agree to indemnify the cable system) in order to qualify for must carry.

3. Channel Position and Manner of Carriage

Must carry stations are entitled to choose their channel positions. Commercial stations have four choices: (1) the channel on which the station was carried on the cable system as of July 19, 1985[62]; (2) the channel on which the station was carried on the cable system as of January 1, 1992; (3) the station's over-the-air channel position; or (4) any other channel mutually agreed upon between the station and the cable system. Noncommercial stations have three choices: (1) their July 19, 1985, position; (2) their over-the-air channel position; or (3) a mutually agreed channel position. The FCC did not adopt a procedure to resolve conflicts if more than one must carry station is entitled to the same channel position, but it has indicated some preference for allowing stations to retain their present channel positions. These channel positioning rights take precedence over any contractual

[62]That was the date of the Quincy decision, which invalidated the FCC's 1972 must carry rules.

rights to a channel position that a cable program network may have established on a cable system. The FCC has ruled that cable systems must afford must carry stations their choice of channel position unless there is a "compelling technical reason for not being able to accommodate such requests." The need to employ traps is not a sufficient reason for denying a channel position request. Must Carry Rules, 8 FCC Rcd at 2988.

Cable systems must give stations and subscribers 30 days written notice before dropping a local television signal or changing its channel position. No changes in the carriage of local television signals can be made during national "sweeps" periods. (FCC Rule 76.58 (a)).

Must carry signals must be carried on the basic tier offered by any cable system and that service must be provided to all subscribers of the system. FCC Rule 76.57 (d)(1). If a converter is required to watch any must carry signal, the cable operator must provide that equipment for every set connected to the cable system by the operator or for which the operator provides a connection. If a cable system allows subscribers to connect other sets using their own wire and connections, it must notify such subscribers annually of any must carry signals that cannot be seen without a converter and provide information about the availability of such converters.

Cable systems must use signal processing and carriage technical standards for must carry signals that are at least as good as those used for any other channel on the cable system. (FCC Rule 76.62 (c) and (d)). All television signals must be carried without material degradation. Cable operators are required to carry the entire program schedule of any local commercial television station carried on the system, except where the FCC's syndicated exclusivity, network non-duplication or sports exclusivity rules bar carriage of particular programs. Cable systems may delete those programs and substitute particular programs from other stations.[63] Noncommercial must carry stations, however, waive their rights under the network non-duplication rules.

Cable systems must carry the primary audio and video, and closed captioning information carried on line 21 of the vertical blanking interval (VBI) of all local stations. For commercial stations, they must also carry where technically feasible any other program-related material on subcarriers or in the VBI. Cable operators can strip certain signal enhancements, like ghost canceling, if they apply

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[63]FCC Rule 76.62(a). The FCC has stayed some applications of this rule pending reconsideration of its must carry rules to permit some cable systems to continue carrying only the local news and public affairs programming of television stations in their states where the station and the cable system have an agreement for such carriage that predates the Cable Act.

such enhancements to the broadcast signal at the system's headend. (FCC Rule 76.62(f)).

4. Remedies

The Act requires that the FCC resolve carriage complaints on an expedited basis. The initial procedures for filing complaints differ for commercial and noncommercial stations. Commercial stations complaining that they are not being carried or about the conditions of carriage must first notify the cable system of their complaint. (FCC Rule 76.61(a)). Because noncommercial stations have to request carriage in order to gain must carry rights in the first place, they do not have to provide any further notification to cable systems before filing a complaint. (FCC Rule 76.61(b)).

Cable operators must respond to complaints within 30 days after they are received. The FCC requires that stations file complaints with it within 60 days after the cable system's action affecting their carriage rights. Examples of the actions that will trigger this filing period include denials of requests for carriage or the failure of a cable system to respond to a station's notification. Cable systems must respond to any complaints filed at the FCC within 20 days, and the FCC must act on complaints within 120 days after they are filed.

B. RETRANSMISSION CONSENT

One of the most fundamental changes adopted in the 1992 Cable Act was the reversal of a 1959 FCC decision which held that cable carriage of broadcast signals was not subject to Section 325 of the Communications Act, requiring an entity retransmitting a broadcast station's signal to obtain the originating station's consent. With certain exceptions, no multichannel video programming distributor may now retransmit a broadcast signal without consent. Note that retransmission consent rights apply to radio as well as to television stations. (FCC Rule 76.64).

All cable systems, MMDS systems, satellite carriers and SMATV systems must obtain retransmission consent for the use of broadcast signals. The only exception is if an MMDS, SMATV or MATV system provides local broadcast signals without charge, using antenna facilities owned by the subscriber or the owner of a multiunit dwelling, that system will not be viewed as a multichannel video programming distributor. Retransmission consent applies equally to must carry stations and those that are outside a cable system's must carry area. There is no small system exemption from retransmission consent. Retransmission consent also does not apply to retransmission of the signals of noncommercial stations or of foreign broadcast stations. Retransmission of the signals of stations that were

superstations for copyright purposes as of May 1, 1991, is also exempt if the signals are obtained from a satellite carrier. Retransmission consent is also not needed for the transmission of the signal of an independent station to any home satellite dish or for the transmission of the signal of a network affiliate to a home satellite dish in an area that is not served by an affiliate of that network. Although the FCC anticipates that disputes about retransmission consent agreements will most often be resolved in the courts, it will entertain complaints about carriage of a station without its consent. Must Carry Rules, 8 FCC Rcd at 3005. Further, a network affiliate can file a complaint that another affiliate of the same network is being retransmitted without consent to a satellite dish in the first affiliate's viewing area.

Stations exercising retransmission consent retain their syndicated exclusivity and network nonduplication rights. Therefore, if a cable system in a station's protected area fails to reach a retransmission consent agreement with that station, the cable system can be prevented from importing from a distant station the programming to which the local station has exclusive rights.

Stations eligible for must carry and retransmission consent on a cable system must elect between those rights. If they are carried pursuant to must carry, no further consent is required for that carriage. If they choose retransmission consent, they give up the right to be carried and other rights such as channel positioning, which become subject to negotiation between the station and the cable system. Elections last for three years. The next election will take place on October 1, 1996, effective January 1, 1997.[64] Where stations do not have must carry rights, no election is necessary because, unless they fall within one of the retransmission consent exemptions, they automatically have retransmission consent rights.

With one exception, stations may make different elections for each cable system in their markets. If two cable systems serve overlapping franchise areas, stations must make one uniform election for both systems. Election statements must be sent by registered mail to the cable operator with respect to which the election was made, and all of a station's election statements must be placed in the station's public inspection file. (FCC Rule 76.64(h)).

The terms of retransmission consent agreements are not regulated by the FCC. Stations may seek cash or other forms of compensation in exchange for their consent, as well as improved carriage conditions. The FCC has barred stations from entering into agreements that give one multichannel video programming distributor an exclusive right to retransmit a station's signal. Must Carry Rules, 8 FCC Rcd at 3006.

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[64]If a station fails to make a timely election with respect to a particular cable system, it will be deemed to have elected must carry.

C. NON-DUPLICATION AND PROGRAM EXCLUSIVITY

1. Syndicated Exclusivity

Syndicated television programming exclusivity rules (syndex) permit, but do not require, TV stations to negotiate for enforceable exclusive distribution rights for syndicated programming.

a) Extent of Protection

The syndex rules allow stations that have the appropriate language in their program contracts and that have provided timely notice to affected cable systems to enforce syndex rights on cable systems serving communities up to within 35 miles of their city of license reference point. The rules also allow stations in hyphenated markets to obtain syndex protection on cable systems serving communities within 35 miles of the reference points of each city named in the hyphenated market.

For major television markets, FCC Rule Section 76.51 provides the applicable listing of hyphenated market definitions. For stations in hundred plus markets, the listing of markets contained in the Arbitron Television Market Analysis for the most recent year before the program contract is executed provides the applicable list of hyphenated markets. One useful source in determining what communities are within stations' 35-mile zones is Television Digest's Cable and Station Coverage Atlas. Syndex notices should not be sent to cable systems outside a station's 35 mile zone.

The FCC is considering rule changes that would expand or eliminate the geographic limitations on syndicated exclusivity. Accordingly, it may be desirable to include a contingency clause in program contracts to take into account any such rule changes, e.g., syndicated exclusivity is granted up to the ADI in the event the FCC changes its rules to allow ADI wide exclusivity.

The syndex rules apply to all programs and program types for which local exclusivity has been obtained for the duration of the contract, regardless of when, or whether, the local station possessing such rights broadcasts the programs and regardless of whether the local cable systems carry the station.

There are three situations in which cable systems within 35 miles of a station's city of license need not provide it with syndex protection. First, cable systems with fewer than 1,000 subscribers are exempt from the syndex rules. Second, no programs on stations that are "significantly viewed" in the area where the cable system is located need be deleted. Third, no programs on stations that place a Grade B signal in whole or in part over a community served by a cable

system need be deleted. (While this exception from syndex protection applies when another station's predicted Grade B signal encompasses the cable community in whole or in part, a station asserting syndex rights can restore exclusivity protection if it can demonstrate that the actual Grade B contour of the other station does not, in fact, encompass the cable community.)

b) Necessary Language

1) Post-August 18, 1988, Program Contracts

To enforce syndex protection for programs under contracts executed on or after August 18, 1988, the contract must contain the following language:

> [T]he licensee [or substitute name] shall, by the terms of this contract, be entitled to invoke the protection against duplication of programming imported under the Compulsory Copyright License, as provided in Section 76.151 of the FCC rules [or "as provided in the FCC's syndicated exclusivity rules"].

2) Pre-August 18, 1988, Program Contracts

To enforce syndex protection for programs under contracts executed prior to August 18, 1988: (1) the contract must contain language clearly providing syndex rights and a statement that such rights are being provided contingent on the FCC's changing its rules to allow for enforcement of those rights; (2) a written acknowledgment must be obtained from the program supplier indicating that the contract was intended to provide syndex rights; or (3) the contract must be amended to include the specific language referenced above that is required for post-August 18, 1988, contracts.

c) Notice Requirements

1) Notice Deadlines

The syndex rules impose strict requirements on stations to provide timely notice to cable systems on which they intend to enforce their syndex rights. Failure to comply with these notice requirements can result in a station losing its ability to enforce its syndex rights. The deadline for providing affected cable systems with notice of a station's syndex rights depends upon when the contract effectively providing such rights was executed.

(i) For contracts executed on or after August 18, 1988, affected cable systems must receive notice within 60 days after the contract was executed, that is, within 60 days after the last party signing the contract signs it.

(ii) For contracts executed prior to August 18, 1988, that: (1) contain language specifically granting syndex rights contingent upon the FCC changing its rules to allow for enforcement of such right; or (2) required only an acknowledgment from the program supplier that the contract was intended to include syndex rights, the deadline for providing notice was June 19, 1989.

(iii) For contracts executed prior to August 18, 1988, that must be amended to provide for syndex rights, notice to affected cable systems must be received by them within 60 days after the amendment is executed.

If a station fails to meet the 60-day deadline, it must reexecute the contract and notify affected cable systems within 60 days of doing so. Whenever a contract is renewed, a new notice requirement is triggered. In no event will a cable system be required to provide syndex protection less than 60 days prior to the date it receives a syndex notice regarding such program.

2) Contents of Notices

Notices to affected cable systems must include:

(i) the name and address of the party requesting exclusivity and the television broadcast station or other party holding the exclusive right;

(ii) the name of the program or series (including specific episodes where necessary) for which exclusivity is sought; and

(iii) the dates on which exclusivity is to begin and end.

The FCC also recommends that the notice include the identity of the appropriate contact person at the station and the geographic zone within which the station has obtained protection.

With respect to the "specific episodes" requirement in item (ii) above, where, for example, a broadcaster contracts for 20 out of a possible 200 episodes of a series, both the name of the series and the identification of each episode by title must be provided. Similarly, where a film package is acquired, each film title must be separately identified. Merely providing a numerical description of the package is not sufficient.

With respect to the "dates on which exclusivity is to begin and end" requirement in item (iii) above, if the contract makes either of these dates dependent on a contingency, a station must provide a second notice to affected cable operators

immediately, by telephone, fax, etc., when the event triggering the contingency occurs. For example, if a contract specifies as its end date "the earlier of after three runs or at the end of two years," the station must notify affected cable systems immediately when the first of those events occurs. Moreover, if for any reason exclusivity for a program for which notice was previously given is lost or modified, a station must notify affected cable systems of that fact, "as soon as possible," by telephone, fax, overnight mail, etc.

While stations need not provide copies of their program contracts with the notices sent to cable systems, upon receiving such notices, cable operators may require stations to provide copies of those portions of such contracts that are "pertinent to the duration, nature, and extent of the exclusivity terms concerning broadcast signal exhibition," together with the signatures of the contracting parties.

d) Cable System Compliance

Once a station provides a cable system with proper notice of its program exclusivity rights, it is the obligation of the cable operator to determine what programs it must delete. In making this determination, a cable system may rely on programming information contained in newspapers or magazines or on information provided by stations it is carrying.

If a station receives a request for programming information from a cable system that is carrying it as a distant signal, the station must provide such information by the latter of ten days after receiving the request or 60 days before the programming involved is to be broadcast.

The task of assuring that cable systems comply with requests for syndex protection will be the responsibility of the stations requesting it. Accordingly, it is recommended that stations establish mechanisms for monitoring cable system compliance both at the time contractual exclusivity first commences and periodically thereafter throughout the duration of the contract. Remedies for repeated or willful noncompliance with syndex requests include FCC imposed sanctions or penalties and/or liability under the copyright laws.

2. Network Non-duplication Rules

a) Non-duplication Protection Is Dependent on Network-Affiliate Agreement

Under the non-duplication rules, the basis for, and extent of (whether non-duplication protection is simultaneous or same day), protection is determined by the affiliate's agreement with the network. Thus, an affiliate is only able to assert network non-duplication if, and to the extent that, such protection is specifically

provided for in its network contract and only if it has provided the required notice to affected cable systems.

b) Extent of Protection

The non-duplication rules allow stations to enforce network exclusivity provisions for up to 35 miles of protection for major market stations, 55 miles for small market stations and within the community served by cable systems to which 100-watt or greater translators are licensed that are within the Grade B contour of their parent stations. Stations licensed to a community in a hyphenated market in one of the top 100 markets are allowed to contract for non-duplication protection on cable systems in the 35-mile zones of any other station assigned to a named community in the hyphenated market. Stations licensed to a community in a hyphenated market in a "hundred plus" market are allowed to contract for non-duplication protection on cable systems in the 55-mile zones of any other station assigned to a named community in the hyphenated market. 7 FCC Rcd 5119 (1992). For major television markets, FCC Rule 76.51 provides the applicable listing of hyphenated market definitions. For stations in hundred plus markets, the listing of markets contained in the Arbitron Television Market Analysis, for the year before the network affiliate agreement providing network non-duplication protection is executed, provides the applicable list of hyphenated markets.

Stations can enforce exclusivity for a network program for as long as it is allowed under their affiliate agreements, e.g., same day, same week, etc. Moreover, an affiliate can enforce non-duplication rights on affected cable systems regardless of whether those systems carry the station.

c) Exceptions

- Cable systems need not provide non-duplication protection for one hour following the scheduled completion of a live sporting event broadcast by either the local station or the station to be deleted.

- Cable systems need not delete duplicative network programming carried on a station that is listed as significantly viewed either in the county in which the cable system is located or in the community of the cable system. (FCC Rule 76.54).

- A cable system located between the 35-mile and 55-mile zones of a smaller market station need not delete duplicative

network programming carried on a major market station located within 55 miles of that cable system.

- A cable system otherwise required to provide protection to a translator need not delete the duplicative network programming carried on a station located within 55 miles of the cable system.

- The FCC generally will recognize and give full effect to private agreements, between television stations and cable systems, providing for different kinds of non-duplication protection, provided such agreements do not violate other FCC rules or stations' public interest obligations.

Cable systems with less than 1,000 subscribers do not have to provide non-duplication protection.

d) Necessary Language

Unlike the syndex rules, the FCC does not require any specific language to be included in network affiliate agreements as a prerequisite to enforcing non-duplication rights. Nevertheless, the language granting such rights should be clear and unequivocal.

e) Notice Requirements

1) Notice Deadlines

The non-duplication rules impose strict requirements on stations to provide timely notice to cable systems on which they intend to enforce their non-duplication rights. Failure to comply with these notice requirements can result in a station losing its ability to enforce its non-duplication rights.

Stations must notify affected cable systems within 60 days after the contract is executed. Whenever a network contract is renewed a new notice requirement is triggered.

If a station misses these notice deadlines, it must reexecute the network contract and notify affected cable systems within 60 days of doing so. In no event will a cable system be required to provide non-duplication protection in less than 60 days prior to the date it receives proper notice.

2) Contents of Notices

Non-duplication notices must, with a major exception explained below, include the following information:

(i) the name and address of the party requesting non-duplication protection and the station holding the non-duplication right;

(ii) the name of the program or series (including specific episodes where necessary) for which protection is sought; and

(iii) the dates on which protection is to begin and end.

The major exception to these requirements applies to situations where stations are unable, because of the terms of their program or network affiliate contracts, to supply the required information (particularly the program names) at the time they provide their initial notice to cable systems. The most common instance is when network affiliates will not know the names of all the programs or series for which protection is being provided under the network agreement. In such situations, the affiliate's initial notice to cable systems must identify:

- the name of the network(s) which have provided it with non-duplication protection;
- the time periods by time of day (local time) and days of the week, e.g., XYZ network programming broadcast between 8 p.m. and 11 p.m., Monday-Friday, for which protection is sought; and
- the extent and duration, e.g., simultaneous, same day, etc., of non-duplication protection it has obtained.

If a station, after providing a cable system with its initial notice, desires to increase its hours of protected programming, it must again notify that cable system at least 60 days in advance of the date on when the increased protection is to commence. If, on the other hand, a station subsequently decides, after sending its initial notice, to preempt or otherwise not to carry network programming during the hours specified in its initial notice, or if the station's non-duplication rights are subsequently reduced in any way, it must immediately (by telephone, telegraph, fax) notify affected cable systems to whom it sent initial notices of the specifics of any such changes.

Finally, if a station decides, after sending its initial notices, to air, on a time-delayed basis, a program that previously was aired during the protected time periods

specified in the initial notices, it must immediately notify affected cable systems concerning the specifics of its scheduling changes.

f) Cable System Compliance

The provisions of the non-duplication rules relating to cable's compliance are essentially the same as those relating to the syndex rules set forth above.

3. Additional Details

a) Stations should focus on whether a program is properly categorized under the new rules as a "network program" subject to the non-duplication rules, or a "syndicated program," subject to the syndex rules. The rules define a "network program" as "any program delivered simultaneously to more than one broadcast station regional or national, commercial or noncommercial." The rules define a "syndicated program" as "any program sold, licensed, distributed or offered to television station licensees in more than one market within the United States other than as network programming . . . ."

These definitions suggest that a number of widely distributed programs that have traditionally been thought of as "syndicated programs," but which are "simultaneously delivered to more than one broadcast station" by satellite or other means, may, for purposes of the FCC's program exclusivity rules, be considered "network programs" subject to the non-duplication rules. Proper characterization of such programs, both in program contracts and in notices sent to cable systems, may be important.

For example, a station in a hundred plus market that contracts for a program not aired by one of the major networks, but which is "simultaneously delivered to more than one broadcast station," may be able to claim protection for that program on cable systems within 55 miles (as opposed to 35 miles) of its city of license reference point by characterizing such program as a "network program" subject to the non-duplication rules.

b) In many instances, it appears that notice to affected cable systems may be required long before a program or program series is actually broadcast. Accordingly, it would be advisable to send all notices by certified mail, return receipt requested, or by some other means by which evidence of the date of receipt can be secured, so that your station has evidence that it notified systems in a timely manner.

c) Many stations traditionally have not necessarily concerned themselves with contract formalities, such as having both parties sign an agreement when purchasing syndicated programming. Under the new rules, stations may be

required to provide to cable systems a copy of the relevant portions of exclusivity contracts, signed by both parties, in order to exercise exclusivity rights.

d) If a cable system requires written proof of exclusivity rights, only pertinent provisions relating to the duration, nature and extent of the exclusivity agreed to need be provided. Hence, if other terms of the agreement, such as price, need to remain confidential, the exclusivity agreement should be structured so that the provisions that may have to be supplied to cable systems are easily severable.

e) Because the program exclusivity rules generally are designed to protect the rights of broadcasters, it will behoove stations to cooperate with affected cable systems and to assist them in complying with exclusivity requests. In this regard, local stations may, though they are not required to do so, wish to assist affected cable systems by, for example, supplying them with information concerning distant signal programming subject to deletion and by providing periodic reminders of current or upcoming programming for which they are entitled to protection.

f) In response to concerns that "cherrypicking" would be misused by cable systems to create a composite signal of sports or other programs that would be carried without incurring additional copyright liability, the Commission explained that these concerns were based on a mistaken understanding of FCC Rule 76.161, the provision that permits "cherrypicking" as a method of program substitution. The FCC clarified that under this provision, a cable operator may run a substituted program to completion without incurring additional copyright obligations, but the operator must then return to the regularly carried signal even if a program is in progress on that signal.

D. COPYRIGHT ROYALTY DISTRIBUTION

Under the Copyright Act of 1976, cable systems have a compulsory license that allows them to carry distant television signals without the permission of, or direct payments to, the copyright owners of programs included in such signals.[65] The compulsory license requires that cable systems pay royalty fees to the Copyright Office each year based upon semiannual statements of account that they must file with the Copyright Office. Smaller cable systems pay a flat fee or a percentage of their revenues, regardless of how many broadcast stations they carry; but for larger cable systems, the amount of the royalty fees depends on the number and type of distant signals carried.

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[65]With limited exceptions for certain superstations, cable systems must obtain the consent of the stations whose signals they carry as distant signals.

The Act, as amended in 1993, gives the Copyright Office two additional functions with respect to these royalties: (1) to adjust the rates every five years for inflation and whenever necessary to reflect changes in the cable television rules of the FCC; and (2) to distribute the collected funds to the owners of the retransmitted broadcast programs. Disputes among interested parties regarding rates and the allocation of such funds are decided by ad hoc arbitration panels chosen by the Librarian of Congress, who also reviews the panels' decisions.

To be potentially eligible to receive royalties for a given year, television stations must have been carried as a distant signal by at least one cable system during the year in question. In addition, television stations must file royalty claims with the Copyright Office between July 1 and July 31 of each year in order to be eligible to receive royalties for the previous calendar year; for example, royalty claims for distant cable carriage in 1997 must be filed with the Copyright Office between July 1, 1998, and July 31, 1998. At a minimum, claims must include: (1) the full legal name of the claimant, station call letters, licensee and parent corporation (if applicable); (2) address, phone and fax number, if any; (3) period for which claim is made; (4) a general statement of the types of copyrighted works for which the claim is being made; (5) an example of cable carriage for which the claim is made; and (6) the original signature of the claimant or its authorized representative. At this writing, the Copyright Office is considering possible additions to these requirements. For further details on how to file a claim, contact the Copyright Office, Copyright Arbitration Royalty Panels at (202) 707-8150 or John Stewart at Crowell & Moring, NAB's outside legal counsel, at (202) 624-2685. Many such details and a sample claim form are included at Appendix T.

The NAB has served as a representative to television stations that have authorized NAB to represent them in the cable royalty proceedings. Royalties collected by NAB are distributed by NAB only to those stations that have filed claims, have authorized NAB to represent them and have provided the necessary programming information to NAB. Stations also have the option of representing themselves before the Copyright Office.

PART XI—
TAXES AND OTHER BUSINESS CONSIDERATIONS IN THE OPERATION OF A BROADCAST STATION

GENERAL GUIDELINES

A. STARTING A NEW BUSINESS

B. STRUCTURE OF THE BUSINESS

C. PAYROLL TAXES AND COMPENSATION BENEFITS FOR EMPLOYEES

D. TAX CONSIDERATIONS FOR OPERATING A BUSINESS

E. ESTATE PLANNING

CHAPTER XI—
TAXES AND OTHER BUSINESS CONSIDERATIONS IN THE OPERATION OF A BROADCAST STATION

GENERAL GUIDELINES

The operation of a broadcast station is the operation of a business. Although it may differ from many other types of business entities because of the licensing and other regulatory requirements, the operation of a broadcast station, like any other business, involves the purchase and sale of assets, the compensation of employees and the acquisition and disposition of ownership interests. The choices made in the formation and management of stations affect the present and the future financial well-being of both owners and employees, as well as their families.

Any planning for business interests must take into account and balance a wide variety of tax and nontax considerations in order to achieve the maximum financial benefits. Moreover, such plans should be reviewed periodically, particularly because continuing legislative change, such as the Omnibus Budget Reconciliation Act of 1993 (1993 Act), can be expected to affect significantly the tax costs and compliance burdens of doing business.

The principal focus of this chapter is on the tax and nontax considerations that are most pertinent in forming, operating, and disposing of interests in a broadcast station; it also looks at the array of tax-free or tax-favored employee benefits available.

NOTE: Tax savings, through tax planning, means that there will be more money within the business for future investment and expansion or for distribution to owners and employees. This chapter, however, can only introduce some of the significant issues and planning options. Moreover, no planning technique is optimal under all circumstances. Broadcast station owners, therefore, are advised to consult with tax and financial advisors. Expert planning should allow owners of interests in such businesses to maximize the financial benefits for themselves, their families, and their employees.

A. STARTING A NEW BUSINESS

Fundamental to starting a broadcast business is an understanding of the strengths and weaknesses inherent to different business forms. Potential owners must weigh such factors in light of their personal and business objectives.

1. Organizing a New Entity

Various tax and nontax factors should be considered in organizing a new business and deciding what type of business entity should be formed. These same considerations could also prompt a later conversion of an existing business to a different form of entity. There are a variety of special rules that affect the advantages of later conversions, the discussion of which is outside of the scope of this chapter. Charts A and B on pages 315 and 316 review the tax, and nontax, considerations in choosing organizational form.

a) Sole Proprietorship

The simplest organizational form is the sole proprietorship. As this is direct ownership of the station's assets by an individual, it is not a separate entity at all. Thus, one advantage of the sole proprietorship is simplicity (there is no separate entity to form, to liquidate or for which to file returns). Also, income of the sole proprietorship is taxed directly to the owner at individual tax rates. The primary disadvantage of this form of business organization is that the owner is personally responsible for all debts and other liabilities of the business.

b) C Corporation

In contrast to the sole proprietorship, the C corporation, an entity separate from its owners, offers limited liability for its shareholders. ("C" refers to the applicable part of the Tax Code.) Another advantage of this organizational form is flexibility with regard to creating different classes of interests and types of management. The principal disadvantage of the C corporation form of organization is that income of a C corporation is taxed at the corporate level when earned and then taxed again at the shareholder level when dividend distributions (which are taxable) are made to shareholders. Furthermore, the double tax also applies where, for example, the C corporation sells its business assets and liquidates by distributing the proceeds to the shareholders. Thus, the income and capital gains of a C corporation are subject to two tiers of tax.

c) General Partnership

Partnerships, on the other hand, are considered "pass-through" entities for tax purposes. All partnership income is taxed once to the partners at the partner level, even if it is not actually distributed to the partners. Distributions to partners, however, typically have no tax effect, even in liquidation of the partnership. Besides a single tier of tax, another benefit of partnership form is that items of income and deduction may be disproportionately allocated among the partners, as long as the allocations have "substantial economic effect" under tax regulations. Therefore, the partnership form provides a great deal of flexibility in allocating income, gain and loss among partners. The main disadvantage of a general partnership is that the partners are personally liable for the debts of the partnership (although this liability can be alleviated through the purchase of insurance). Furthermore, management of a partnership may be cumbersome because typically all general partners participate in management.

d) Limited Partnership

Limited partnerships provide most of the same advantages as general partnerships. There is a single tier of tax and flexibility in allocating income, gain, loss, etc. among the partners. Unlike partners in a general partnership, however, limited partners in a limited partnership typically have limited liability, and use of a corporation as the general partner of a limited partnership can effectively insulate all partners from personal liability. On the negative side, to ensure their limited liability, the limited partners must generally sacrifice any role in managing the business. This tends to streamline management as opposed to a general partnership.

e) S Corporation

S corporations ("S" refers to the applicable part of the Tax Code) combine the pass-through taxation of a partnership with the limited liability and business management capacity of corporate shareholders. The benefits of S corporation status are only available, however, to organizations that satisfy certain eligibility requirements, including limitations on the number and type of shareholders. Furthermore, the shareholders of an S corporation must be careful to ensure that the corporation has only one class of stock. Although differences in voting rights among shareholders will not create a second class of stock, disproportionate distributions to shareholders must be avoided. Thus, an S corporation's flexibility regarding distributions is more limited than that of a C corporation or a partnership.

f) Limited Liability Company

A new type of business entity that combines aspects of a limited partnership and a corporation is the limited liability company (LLC). An LLC affords its members limited liability but also allows them to take an active role in the management of the business (a degree of flexibility not provided to the limited partners in most limited partnerships). The LLC can be structured to be taxed as either a partnership or a corporation, although typically the LLC would be chosen when taxation as a partnership is desired. While not every state has a statute authorizing the formation of an LLC, the number of states adopting LLC statutes has dramatically increased in the past several years. Since 1988, the IRS has issued Revenue Rulings for a number of states that determine the classification of LLC's formed under such state's LLC statute as a partnership or corporation for federal income tax purposes. The IRS plans to issue similar rulings for other state LLC statutes in the future.

2. Choice of Organizational Form

The choice between the various forms of entities depends, of course, on the requirements and desires of the owners of the business. Many other factors come into play besides the ones discussed above. For example, one consideration is the operation of the "at-risk" and passive loss rules, which limit an individual's ability to take certain deductions or recognize certain losses of the entity. Whereas partners of a general or limited partnership and shareholders of an S corporation are subject to these rules, shareholders of C corporations generally are not, because no tax items of a C corporation pass through to a shareholder in any event. Accordingly, care should be taken to assess the various advantages and disadvantages of each type of business entity before choosing any organizational form.

B. STRUCTURE OF THE BUSINESS

In conjunction with choosing the form of a business entity, the capital structure of, and ownership interests in, such business may be crafted to achieve specific business goals. Tax and nontax concerns may influence whether an entity is capitalized with debt or equity and whether assets are held within or outside of such entity. Control and management responsibilities can be shifted by varying ownership interests.

1. Treatment of Business Start-up Costs

Although business start-up costs generally are not deductible currently, such costs, at the taxpayer's election, may be capitalized and deducted over a period of at least 60 months, beginning with the month in which the business began. Otherwise, such costs must be capitalized and may never be recovered against taxable income until the business is sold. Costs to which this 60-month provision apply are those paid or incurred in connection with: (1) investigating the creation or acquisition of an active trade or business; (2) creating an active trade or business; or (3) engaging in any activity for profit before the day on which the active trade or business began, in anticipation of the activity becoming an active trade or business (i.e., pre-opening costs). Furthermore, the costs must be of the type that would be currently deductible if paid or incurred in connection with the expansion of an existing business in the same field as the one entered into by the taxpayer.

Generally, any expenses incurred or paid prior to a broadcast station receiving its license to operate may not be deducted currently, but rather must be amortized over the 60-month period.

2. Debt Versus Equity

Interest payments on debt generally are deductible to a corporation, while dividends on common or preferred stock are not. The use of debt, therefore, may reduce corporate taxes. However, if the ratio of debt to equity is too high, this can result in the loss of the corporate characteristic of limited liability (for shareholders). Courts may look through the corporation to the individual shareholders for payment of the corporation's debts or other liabilities in circumstances in which the corporation is too thinly capitalized. Also, the IRS has the authority to determine whether an interest in a corporation is to be treated as debt or as an equity interest in the corporation, with the result that an interest that is called debt may be treated by the IRS as equity, with a resulting loss of the interest deduction.

3. Use of Different Classes of Ownership Interests

Use of more than one class of corporate or partnership ownership interests (e.g., common and preferred stock) may be particularly advantageous to satisfy certain management or estate planning objectives of business owners. Corporations and limited partnerships generally provide the most flexibility for this purpose.

The control and management of a business also can be organized through devices affecting voting rights, such as shareholders' agreements, voting trusts and proxies, or through creating binding restrictions upon the transfer of ownership interests.

4. Ownership of Business Assets

In the initial structuring of a business, it may be desirable for tax and other business reasons (e.g., improvement of credit status for the business where the assets are leveraged) to keep real estate and equipment out of the business, and to have such assets held in individual or partnership ownership by the owners of the business or by their family members. If this is not done at the outset, it may be possible to do so later by way of sale-leaseback arrangements, for example, where the business sells the property to one or more of these such owners (or to an entity controlled by them), who in turn leases it back to the business. So long as the arrangement is not a sham, has the elements of an arm's-length transaction, and makes economic sense, it generally should withstand IRS scrutiny.

5. Buy-Sell Agreements

A buy-sell agreement is a contract providing for the sale of ownership interests upon the happening of a specified event, such as the death, disability or retirement of one of the parties. The agreement can be in the form of a cross -purchase agreement (e.g., Partners A and B agree that the survivor of them must buy the interest of the first to die) or, if the business is in the corporate form, a stock redemption agreement (e.g., the business will purchase the interest of a deceased owner). Funding with life and disability insurance is generally used. Such agreements help to provide for the orderly transfer of ownership interests and to keep control of the business with the remaining owners. (In the case of S corporations they can be used to prevent transfers to disqualified shareholders.)

While such agreements may establish a sale price for ownership interests in closely held businesses that might otherwise be difficult to value, the value established in a buy-sell agreement may not be respected by the IRS for estate tax purposes. In order to establish a price for estate tax purposes, the price must be readily determinable under the terms of the agreement and the agreement must be binding on the parties during life and after death. In addition, the agreement must have been entered into for a bona fide business reason and must not be in effect a device to pass ownership interests to heirs for less than adequate and full consideration.

C. PAYROLL TAXES AND COMPENSATION BENEFITS FOR EMPLOYEES

Employee compensation must be structured to the mutual benefit of both owner and worker. The variety of personnel making up a typical broadcast workforce may require the creation of complex compensation packages, expressly tailored to ensure mutual protection and satisfaction. Tax incentives encourage employers and employees to share the responsibility of choosing and financing desired benefits during and after an employee's term of employment.

1. Definition of "Employee"

While an employee's income is subject to payroll taxes that the employer must collect and pay, payments made to an independent contractor are not subject to payroll taxes. Congress continues to consider legislation regarding the categorization of workers as employees or independent contractors. Generally, classification of workers as employees or independent contractors is based on a facts-and-circumstances "control" test. An employer-employee relationship is deemed to exist if the person contracting for services controls the way in which the service provider performs his or her services as well as the result of those services.

Broadcasters should be aware that increasingly the IRS has focused on this issue in payroll tax audits, especially for highly compensated individuals such as producers and on-air talent.

2. Employment Agreement

An employment agreement is a binding contractual document reflecting the legal rights and duties between an employer and an employee. A complete employment agreement, at least for an executive-level or highly compensated employee, generally will contain much more than a simple formula for determining the annual salary amount and the term of employment. Additional matters bearing upon compensation, such as disability pay, defined compensation arrangements and retirement and death benefits also will be covered. The employer will want assurance, for example, that the employee will perform certain assigned duties and that he or she will not compete with the employer upon termination of service. All of these items, plus other items desired by the parties, are included in a well-drafted employment contract.

The following is a checklist of items frequently included in employment agreements:

- salary — including details regarding the amount of the salary, payment schedule (weekly, bimonthly, etc.) and the adjustment formula for subsequent years;

- bonuses — describing terms and conditions precedent to payment of a bonus, and the formula for determining the amount of the bonus;

- deferred compensation arrangement — describing terms by which a certain percentage or amount of the employee's compensation will be deferred to some specified period of time in the future (e.g., upon completion of active employment);

- disability and death benefits — detailing the employee's rights, or rights of the employee's designated beneficiary, to payments of compensation on account of the employee's disability or death;

- benefit plans — including eligibility of the employee to participate in various available benefit plans, including equity participation plans (e.g., stock options or stock appreciation rights);

- expense account or expense reimbursement provisions — describing the terms and conditions of an expense account arrangement or, if the employee is expected to make the initial outlay for certain business expenses (e.g., travel and entertainment expenses), the details of the reimbursement plan. If the employee is required to spend his or her own funds but is not to be reimbursed, the employment agreement should make this obligation clear in order to facilitate the deduction of the employee's expenses for federal income tax purposes; and

- covenant not to compete — detailing the terms of any agreement restricting the employee from entering into competition with the employer during employment and after the term of his or her service has ended. The degree to which a postemployment noncompetition covenant will be enforced by the courts depends upon general common law principles. As a general rule, however, the terms of the covenant must be reasonable with respect to both duration and geographic scope in order to be enforceable.

3. Employee Benefits

a) Group Term Insurance

The cost of employer-paid group term insurance in which the beneficiary is other than the employer, up to the amount of $50,000 of coverage per employee. is not taxable to the employee and is deductible by the employer. The exemption is not available to "key employees," comprised of owners and highly compensated officers, if the coverage or benefits of the plan discriminate in favor of the key employees.

b) Transportation

Employer-paid business travel expenses are not taxable to the employee. However, a spouse's employer-paid travel expenses are taxable to the employee unless the spouse is also an employee of the business traveling for a legitimate business purpose. An employee must include in income the value of the personal use of an employer-owned car.

c) Business Meals

Meal expenses directly connected or associated with business are not taxable to the employee, and expenses for meals (and facilities used in connection with such meals) furnished on the business premises of the employer for its convenience are not taxable to the employee.

d) Medical Care

An employee's gross income does not include amounts paid—directly or indirectly—as reimbursement for expenses incurred for medical care for either the employee or the employee's family, except for expenses already deducted and for amounts paid to highly compensated individuals under a discriminatory self-insured medical reimbursement plan; such amounts are included in the highly compensated individual's income to the extent that they constitute "excess reimbursement."

e) Employer Gym

Expenses incurred for an employer gym are not taxable to the employee and generally are deductible by the employer. However, the employer's deduction will be denied if use of the gym is restricted to persons who are officers, certain shareholders (e.g., those holding a 10 percent or more interest in the employer) or who are highly compensated.

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f) Entertainment

Generally, business entertainment expenses are not taxable to the employee.

g) Tax-free Fringe Benefits

The following categories of fringe benefits may be excluded from an employee's gross income: (1) working condition fringe benefits (e.g., use of a company car for business purposes; subscription to a trade journal); (2) de minimis fringe benefits (e.g., use of a copying machine for personal copies; supper money or cab fare in connection with overtime; and inexpensive holiday gifts); (3) no additional cost services (e.g., free stand-by flights by airlines to their employees; phone services to phone company employees); and (4) qualified employee discounts (e.g., reduced sales prices of products and services sold by the employees). Certain nondiscrimination tests must be met in providing fringe benefits in order for them to be nontaxable.

h) Employer-Furnished Transportation Exclusion

An employee may exclude the value of "qualified transportation" (e.g., in a company-owned vehicle) between the employee's residence and place of employment up to $60 a month, a transit pass of equivalent value or qualified parking up to $155 per month. Both of the foregoing amounts are subject to cost of living adjustments. This exclusion is available if the transportation is provided under a written nondiscriminatory plan and the value of the transportation is in addition to, and not in lieu of, any compensation otherwise payable to the employee.

i) Child or Dependent Care Services

The value of child or dependent care services up to $5,000 per year provided by an employer pursuant to a written nondiscriminatory plan will not be included in the employee's gross income.

j) Tax-Qualified Retirement Plans

Tax-qualified pension or profit-sharing plans (including so called 401(k) plans) and employee stock ownership plans provide substantial employer/employee benefits. Principal among these benefits are tax exemption for the fund that is established to provide these benefits; exclusion from employer's gross income and no current tax to the employee to the extent of qualified contributions made to the fund; deductibility by the employee for the allowable elective contributions the employee makes to the fund on his or her

own behalf; and special tax treatment with respect to the payment of certain benefits from the fund.

The limit on the amount that an employee may contribute to a 401(k) plan and exclude from taxable income for 1996 is $9,500. This amount is subject to increase by the level of increase in the Consumer Price Index (CPI), rounded to the next lowest $500.

As an alternative to a 401(k) plan, the small employer may avoid significant administrative burdens by implementing a simplified employee pension (SEP), which permits an employer to contribute directly to its employees' individual retirements accounts (IRAs), provided that the employer meets certain requirements with respect to those contributions.

The 1993 Act reduced the amount of a participant's compensation that can be taken into account for determining contributions or benefits under a tax qualified retirement plan to $150,000, which is subject to increase to reflect changes in the CPI rounded to the next lowest $5,000 (for 1996 the limit remains at $150,000). As a result of the interaction of the compensation limits and the deduction limits for profit-sharing plans, profit-sharing plans designed to deliver maximum benefits to highly compensated employees will need to be reviewed and perhaps redesigned for future years.

k) Employee Business Expenses and Other Miscellaneous Itemized Deductions

Unreimbursed employee business expenses may be deducted by the employee only as itemized expenses (i.e., "below-the-line deductions"). Moreover, these itemized employee business expenses, along with other miscellaneous itemized deductions, are subject to a floor of two percent of the taxpayer's adjusted gross income. Expenses of producing income or maintaining income-producing property (except rental or royalty property), other than interest and taxes, also will be subject to the two percent floor. Otherwise allowable and unreimbursed travel, meals and entertainment expenses (to the extent of the 50 percent limitation) also will be aggregated and subject to the two percent floor.

4. "Cafeteria" Plans

"Cafeteria" plans have become a very popular means by which employers provide nonpension benefits to employees, primarily because the nature of a cafeteria plan affords each participating employee flexibility to select benefits that fit the employee's individual needs. It also accords with the growing trend of requiring employees to pay for some of the costs of their

benefits. A cafeteria plan permits an employee to use pretax dollars to select benefits from a "menu" of two or more benefit alternatives, which may include medical expense reimbursement, disability insurance, group term life insurance up to $50,000 of coverage, accident or health plan coverage, coverage under a dependent care program, coverage under a group legal services plan and certain contributions under a 401(k) plan.

D. TAX CONSIDERATIONS FOR OPERATING A BUSINESS

One of the basic objectives of owners of businesses is to reduce the incidence of any taxation at the business level (as, for example, where the business is organized in corporate form) and to take money out of the business at the lowest overall tax cost. Accomplishing this involves at least two key components. The first of these is expert knowledge of the tax laws, including current law and anticipated changes to be brought about by the enactment of future tax laws. The second involves planning, not only with respect to distributions and business accounting principles, but also the maximum utilization practicable of available business deductions, exclusions and credits.

1. Tax Rates

The following discusses the changes to the taxation of individuals and corporations made by the 1993 Act and subsequent amendments.

a) Individual Rate Structure

Since 1993, individual ordinary income rates of 15, 28, 31 and 36 percent have been in effect. The new 36 percent marginal tax rate (up from 31 percent) applies to taxable income in excess of the following thresholds: $140,000 for joint returns; $127,500 for head of household returns; $115,000 for single returns; $70,000 for married separate returns; and $5,500 for estates and trusts. In addition, a ten percent surtax is imposed (thereby creating a tax rate of 39.6 percent) on taxable income in excess of the following thresholds: $250,000 for joint, head of household and single returns; $125,000 for married separate returns; and $7,500 for estates and trusts. These rates may be adjusted for inflation after 1995.

The maximum tax rate for individual taxpayers on net capital gains is 28 percent. Thus, capital gains are not subject to the higher marginal rates of 31, 36 and 39.6 percent. Capital losses may only be used to offset capital gains plus $3,000 of ordinary income.

The standard deduction amounts for 1996 are $5,000 for married taxpayers filing jointly; $3,000 for single taxpayers; $4,400 for single heads of household; and $2,500 for married taxpayers filing separately. In 1996, the personal exemption amount for each individual filer and his or her spouse and dependents, if any, is $2,000 per person. However, this exemption amount is subject to a phase out if the taxpayer's adjusted gross income is above a certain threshold. For 1996, the threshold amounts at which the phase out begins are $150,000 for joint returns; $100,000 for singles; $125,000 for heads of household; and $75,000 for married separate returns. For each $2,500 ($1,250 in the case of a married individual filing a separate return) or fraction thereof above the threshold amount, the taxpayer's allowable exemption is reduced by two percent. The standard deduction amount and the thresholds at which rates increase will be adjusted each year by the increase in the CPI.

In addition, certain allowable itemized deductions of taxpayers (including employee business expenses) will be reduced by three percent of their adjusted gross income in excess of $100,000 ($50,000 in the case of a separate return by a married individual). No such reduction, however, may reduce these otherwise allowable deductions by more than 80 percent.

b) Corporate Rate Structure

As of January 1, 1993, the top marginal tax rate for corporations is 35 percent (up from 34 percent) for corporate taxable income over $10 million. For taxable income under $10 million there is a graduated three-bracket rate structure of 15, 25 and 34 percent, which generally benefits smaller corporations. The graduated rate schedule is phased out beginning at $100,000 of taxable income. This results in a phase out of the graduated rates between $100,000 and $335,000 of taxable income. Thus, corporations with more than $335,000 and less than $10 million of taxable income pay a flat rate of 34 percent. In addition to the 35 percent top rate, corporations with taxable income in excess of $15,000,000 are required to increase their tax liability by the lesser of three percent of the excess or $100,000, thus eliminating the benefit of the 34 percent bracket for corporations with taxable income in excess of $18,333,333.

The maximum tax rate for corporate taxpayers on net capital gains is 35 percent. Thus in contrast to the capital gains of individuals, corporate capital gains do not benefit from a "capped" rate. Capital losses are allowed in full only against capital gains.

c) Commentary Regarding Rate Structures

One factor involved in choosing between the types of business organizations (e.g., corporation vs. partnership) is the relationship between individual and corporate tax rates. With the 1993 increase in the top marginal rate for individuals to 39.6 percent the top individual tax rate now exceeds the top corporate rate of 35 percent. As a result, the benefits afforded to an S corporation partnership, relative to a C corporation, have been reduced. The value of long-term capital gains to an S corporation or partnership is relatively greater because their tax rate remains capped at 28 percent.

2. Acquisitions of Broadcasting Properties — Amortization of Intangible Assets Under Section 197

a) Section 197

A major consideration for most new owners is their ability to recover the cost of the various assets acquired with the business, either through depreciation or amortization. For broadcasters as well as other media owners, intangible assets constitute a large portion of the value of their business assets. The 1993 Act allows for a uniform amortization period for intangible assets. The intangible amortization provisions provide for 15-year straight-line amortization of 100 percent of the adjusted basis of any "Section 197 intangible," generally whether acquired as part of a transaction that involves the acquisition of assets that constitute a trade or business.

Generally, 15-year amortization is required for acquisitions of intangibles after August 10, 1993. Certain antichurning rules prevent a taxpayer from converting nonamortizable goodwill or going concern value into an amortizable Section 197 intangible without changing the ultimate user of the acquired asset. Transitional provisions allowed taxpayers to elect to apply the 15-year amortization provisions to intangibles acquired after July 25, 1991. Once made, the election applied to all taxpayers under common control with the electing taxpayer. Alternatively, taxpayers could have elected to apply old law to property acquired after August 10, 1993, if the property was acquired pursuant to a binding written contract that was in effect on the date of enactment of the bill and at all times thereafter until the property was actually acquired. The two elections were mutually exclusive, and must have been made by the due date (including extensions) of the electing taxpayer's federal income tax return for the taxable year that included August 10, 1993.

Section 197 intangibles include goodwill and going concern; workforce (e.g., assembled workforce and employment contracts); information base; know-how; customer-based intangibles (e.g., subscribers, market share assets,

advertisers, value of future customer purchases); supplier-based intangibles (e.g., television network agreements); licenses, permits and other rights granted by governmental units; covenants not to compete; and franchises, trademarks and trade names. Television and radio broadcasting licenses are considered Section 197 assets. Further, such licenses or other rights granted by governmental entities (e.g., cable television franchises) are Section 197 assets even if the right is granted indefinitely or is reasonably expected to be renewed for an indefinite period.

Film and feature contracts acquired in a transaction that involves the acquisition of assets that constitute a trade or business are subject to 15-year amortization. Film and feature contracts not acquired as part of a trade or business are not considered Section 197 intangibles and thus are not affected by the 1993 Act. In addition, deductions for expenses that may result in so-called self-created intangibles (such as advertising expenditures to create greater market awareness of the station) are not affected by these provisions.

No other depreciation or amortization deductions are allowed for Section 197 intangibles. Broadcast operators should also be aware of the following provisions: (1) all Section 197 intangibles are subject to recapture; (2) when more than one Section 197 intangible is acquired in a transaction, no loss is recognized until all such assets are disposed of or become worthless (however, gain on individual assets disposed of will be recognized); and (3) carryover basis and continuation of amortization method for that amount of basis is provided for mergers and other nontaxable transfers.

b) Effect of Section 197 on Earlier Acquisitions

The Conference Report to the 1993 Act urged the IRS to expedite settlement of pending cases under then current law and to take into account the principles of Section 197 to produce consistent results for similarly situated taxpayers. However, the Conference Report added that no inference was intended that any deduction should be allowed in these cases for assets that were not amortizable under applicable prior law.

c) Effect of Section 197 on Covenants Not to Compete and Consulting Agreements

A covenant not to compete, or noncompete agreement, is an asset commonly negotiated for in the acquisition of a radio or television broadcast station. Noncompete agreements are typically negotiated for limited periods of approximately three to five years. Prior to the 1993 Act, the value of a valid noncompete agreement would be amortized, generally on a straight-line basis, over the term of the agreement. Under the 1993 Act, noncompete agreements

are categorized as Section 197 intangibles and must be amortized over the 15-year period. Thus, the financial benefit of a noncompete agreement to the buyer has been greatly reduced by the 1993 Act.

Income received by the seller as payment for a noncompete agreement is treated as ordinary income. Thus, with the increase in ordinary income rates, noncompete agreements also are less beneficial to sellers. For example, income received as payment for the noncompete agreement could be taxed at a rate of up to 39.6 percent for sellers who are individuals and up to 35 percent for corporate sellers, as opposed to the lower long-term capital gains rate of 28 percent.

While noncompete agreements will continue to have substantial practical benefits for broadcasters, the 1993 Act diminished such agreements' tax benefits. If a station is acquired through a stock purchase, any amount of the stock's purchase price attributable to an underlying noncompete agreement must be included in the stock's nonamortizable basis. However, if such agreement is entered into in conjunction with a station acquisition effected through a stock purchase, amounts paid under the agreement may be amortized over 15 years or until the stock is sold or becomes worthless. As a result, broadcasters involved in station acquisitions, as either the buyer or the seller, should determine the true economic value of a noncompete agreement and carefully consider the amount allocated to such an agreement.

The cost of acquiring an existing consulting or employment agreement as part of the acquisition of the assets of a broadcast business must be amortized over 15 years. However, reasonable amounts paid under a consulting agreement to the former owner of a broadcast business that requires the former owner to continue to be available to perform services that benefit the business may be deducted under ordinary compensation rules. However, amounts that exceed reasonable compensation are considered to be attributable to some intangible asset and so must be amortized over 15 years.

d) Effect of Section 197 on Favorable Leases

Other common intangible assets found at broadcast stations are favorable leases of tangible property such as studio or transmitter facilities, which may provide a station with facilities at below market rates (e.g., a favorable tower site lease). The 1993 Act does not treat favorable leases of tangible properties as Section 197 intangibles and thus these assets are not subject to the 15-year amortization period. Thus, the premium value of such a lease could be amortized over its remaining term as under prior law.

3. Modified Accelerated Cost Recovery System (MACRS) Deduction

For most real property (e.g., buildings) and personal property (e.g., equipment) placed in service after 1986, MACRS has been used to depreciate business property. Under the general MACRS rules, applicable depreciation methods are prescribed for each class of property. These methods include the 200 percent declining balance method, the 150 percent declining balance method, and the straight-line method. Most assets used in the broadcast industry (other than transmitting towers) should receive favorable treatment under MACRS because the system results in front-loaded tax deductions for such assets.

4. Loans from Businesses

Although loans from businesses to owners (or to favored employees) were once a viable means for taking money out of a business at favorable repayment terms and at very low interest rates, their utility for this purpose has been sharply curtailed, if not eliminated. Interest-free and below-market loans generally are re-characterized as arm's-length transactions in which the lender is deemed to make a loan to the borrower at a statutory interest rate and the borrower is deemed to pay such amount back to the lender as interest. The deemed interest may be included in the income of the lender and may be deductible by the borrower. Also, the deemed interest, depending on particular circumstances surrounding the loan, may be characterized as compensation, if the loan is by an employer to an employee, or as a dividend, if the loan is by a corporation to a shareholder.

5. Loans to Businesses

Loans to a business by an owner of the business can provide the business with needed working capital that might not be available from an institutional lender. If the loan is interest-free or at below-market rates, rules similar to those discussed above apply, except that the parties reporting the interest income and deductions are reversed. S corporation shareholders can increase their basis in an S corporation by direct cash loans to the S corporation. An increase in basis will increase the amount of pass-through losses and deductions that can be taken into account by the S corporation shareholder.

6. Business Use of Cars

Cost recovery limitations are imposed on cars used for business. The maximum amount (outside of certain inflation adjustments) that can be deducted annually is $2,560 for year one; $4,100 for year two; $2,450 for year three;

and $1,475 for each succeeding recovery year. In addition, a luxury tax of ten percent is imposed on the retail cost of automobiles in excess of $34,000. The threshold is subject to increase to reflect changes in CPI rounded to the next lowest $2,000. The combination of the cost recovery limitations and the luxury tax has made leasing of business automobiles relatively more attractive.

7. Key Person Insurance

Where a business has one or more key employees whose death or disability can be expected to cause loss to the business or trigger financial obligations, there is a need to protect against such losses as early on in the formation of the business as is possible. One simple and effective method of accomplishing this is to obtain "key person" life and/or disability insurance (provided that the business has an insurable interest in such individual under applicable state law). Premiums paid for key person insurance are not deductible.

8. Compensation Arrangements

Compensation to an employee is deductible by the employer to the extent that it is reasonable (except as discussed below). "Reasonableness," in turn, depends upon the facts and circumstances in each situation and takes into consideration the entire compensation package, including bonuses, retirement benefits, fringe benefits and expense account reimbursements. A so-called hedge provision in the employment agreement, or for a corporate employer, a by-law provision may provide that an employee must reimburse the employer to the extent of compensation for which a deduction is disallowed.

Deductions are denied for compensation in excess of $1 million per year paid to the top five executives (generally the CEO and the four top-paid officers) of publicly held corporations unless the compensation plan meets certain performance standards. Unless specifically excluded, the limitation on the deduction applies to all remuneration for services, including cash and the cash value of all remunerations (including benefits) paid in a medium other than cash. Performance-based compensation is not subject to this limitation.

Because the limitation applies to the top five executives, and on-air talent employees of broadcasters typically are not officers of the corporation, they usually are not subject to this limitation even though they may receive over $1 million per year.

9. Expenses for Business and Entertainment

a) Travel, Meals and Entertainment Expenses

Employers are allowed a deduction for expenses paid or incurred in furtherance of a trade or business or for the production of income, including travel, meals and entertainment expenses. While travel expenses are allowable in full, current law limits the total amount of the deduction for otherwise allowable business meals and entertainment (including ticket costs) to 50 percent. The taxpayer has to establish that the expenses are "ordinary and necessary" in nature. Also, many types of meal and entertainment expenses either have to be directly related to the active conduct of or associated with the active conduct of the taxpayer's business. Under these rules, business meals and entertainment are deductible only if: (1) business is discussed before, during or after the meal or entertainment; and (2) the meal or entertainment has a clear purpose directly related to the active conduct of the taxpayer's trade or business. Deductions are not allowable for the costs of attending conventions or seminars other than for business purposes.

Certain items are not subject to the 50-percent limit on deductibility. These include: (1) expenses treated as compensation to employees; (2) expenditures for which the taxpayer receives reimbursement (the 50-percent limitation is applied to the party reimbursing the taxpayer); (3) recreational expenses paid on behalf of the employee (Christmas parties or summer outings); and (4) expenses for services or facilities made available to the general public (samples provided to customers).

No deduction is allowed for expenses paid or incurred with respect to a spouse (or dependent) accompanying a person on a business trip unless: (1) the spouse is an employee of the person paying or reimbursing the expenses; (2) the travel of the spouse is for a bona fide business purpose; and (3) the expenses of the spouse would otherwise be deductible.

10. Memberships

Employers are no longer allowed a deduction for club dues for membership in any club organized for business, pleasure, recreation or any other social purpose. This includes dues for athletic, airline and hotel clubs. Specific business expenses (e.g., meals) incurred at a club are deductible only to the extent they otherwise satisfy the standards for deductibility.

11. Lobbying Expenses

The 1993 Act eliminated business expense deductions for amounts in connection with either: (1) lobbying to influence federal or state legislation; or (2) communicating with certain federal executive branch officials in an attempt to influence their official actions or positions. The lobbying provisions include a flow-through rule to disallow a deduction for a portion of the membership dues paid to tax-exempt organizations such as industry associations that engage in political or lobbying activities. However, tax-exempt public charities are not affected by the flow-through disallowance.

12. Small Company Capital Gain Exclusion

In an effort to spur new business investment, the 1993 Act included a new provision that allows noncorporate taxpayers to exclude 50 percent of the capital gain on qualified small business stock held for five years. A "small" business generally is one with less than $50 million in gross assets. However, numerous strings are attached to this attractive benefit, including the requirement that the stock must be issued by a C corporation. Thus the gain exclusion benefits can be realized only by giving up the single-level tax benefits of operating the business in S corporation or partnership form. Nevertheless, for some situations this is an important tax incentive.

13. Corporate Liquidations

Amounts distributed in complete liquidation are usually treated as full payment in exchange for stock, and the shareholder's gain or loss is determined by comparing the amount distributed with the cost (or other basis) of the stock. The distribution is entitled to capital gains treatment.

As a general rule, gain or loss is recognized by a corporation making a liquidating distribution of its assets to shareholders as if the corporation had sold the assets at fair market value and also on liquidating sales of its assets (as when the corporation sells its assets and distributes the sale proceeds to its shareholders). These rules also apply to "deemed" liquidations where the corporate purchaser of a controlling stock interest in a corporation elects to treat the purchase of stock as a purchase of assets.

There are exceptions to the liquidation rules. First, a corporation will not recognize gain or loss upon the distribution of its assets in liquidation to a parent corporation that owns 80 percent or more of the stock of the distributing subsidiary corporation. Second, a corporation will not recognize gain or loss upon the distribution of its assets in a liquidation that is part of a tax-free reorganization or division.

Consideration should be given to the desirability (and eligibility) of electing S corporation status in order to avoid a future double tax upon liquidation. However, a corporate tax cost may still be exacted following such an election; generally, a tax will be imposed at the corporate level upon any gain that arose prior to the election, upon both liquidating and nonliquidating sales or distributions that occur within ten years after the date on which the election took place.

14. Accounting Provisions

a) Limitations on the Cash Method of Accounting

The cash method of accounting is not available to a corporation (as distinguished from an S corporation) by any partnership that has a C corporation as a partner or by any tax shelter. Exceptions to the general prohibition are provided for certain entities (other than tax shelters), including entities with average annual gross receipts of $5 million or less (based on the average of the prior three taxable years).

b) Taxable Years of Partnerships, S Corporations, and Personal Service Corporations

A partnership must use the same tax year as that of the partners owning the majority interest in the profits and capital. If such a majority does not have the same tax year, the partnership is required to adopt the tax year of all of its principal partners. If neither of these first two situations applies, the partnership must adopt a calendar year. S corporations and personal service corporations must use a calendar year unless the business purpose of another accounting period is established to the satisfaction of the Secretary of the Treasury.

15. Alternative Minimum Tax

a) Individuals

The purpose of the alternative minimum tax (AMT) is to ensure that taxpayers having "economic" income do not avoid paying at least some tax, even though they are able to reduce substantially or eliminate entirely their taxable income, as computed under the regular tax, by availing themselves of certain deductions. The tax is imposed at a graduated rate on alternative minimum taxable income in excess of exemption amounts minus allowable AMT deductions plus the of preference items.

The 1993 Act enacted a two-tiered, graduated rate schedule for AMT applicable to noncorporate taxpayers. The lower tier consists of a 26-percent rate, applicable to the first $175,000 of a taxpayer's alternative minimum tax income (AMTI) in excess of exemption amounts. The upper tier consists of a 28-percent rate, applicable to AMTI that is greater than $175,000 above the exemption amount. For married individuals filing separately the 26-percent rate applies to the first $87,500 of AMTI in excess of the exemption amount and the 28-percent rate applies to AMTI that is greater than $87,500 above the exemption amount.

The exemption amounts are $45,000 for married individuals filing joint returns; $33,750 for unmarried individuals; and $22,500 for named individuals filing separately, estates and trusts. These exemptions are phased out by 25 cents for each dollar, once AMTI reaches certain levels. The phase out begins at $150,000 for joint returns, $112,500 for single returns, and $75,000 for separate returns.

The 1993 Act repealed the AMT tax preference for charitable contributions of appreciated real, personal and intangible property. Thus, the difference between the fair market value of donated appreciated property and the adjusted basis of the property will no longer be treated as a tax preference item. This change will reduce the amount of income subject to the alternative minimum tax.

b) Corporate

The AMT rate for corporations is 20 percent of the AMTI in excess of the $40,000 exemption amount. The $40,000 is reduced (but not below zero) by 25 percent of the amount over which AMTI exceeds $150,000. Thus, the entire exemption amount is phased out when AMTI reaches $310,000. Broadcast operators should be sure to calculate AMT in order to determine if they are subject to the tax.

E. ESTATE PLANNING

While the previous section discussed the importance of conducting a broadcast business at minimal tax cost, an equally important objective of the business owner is to minimize estate and gift tax liability upon the ultimate transfer of such business to succeeding generations. Effective estate and gift planning must be considered and implemented throughout the various stages of such business. This requires expert practical experience in employing various

techniques designed to fulfill the objectives of the owner and to avoid the many traps contained in the estate and gift tax provisions.

1. Estate and Gift Tax Rates

The 1993 Act reinstated the top estate and gift tax rates. For taxable transfers over $2.5 million but not over $3 million, the estate and gift tax rate is 53 percent. For taxable transfers over $3 million, the estate and gift tax rate is 55 percent. In addition to estate or gift tax, a generation-skipping transfer tax of 55 percent may apply, for example, to a taxable gift to a grandchild. The higher estate and gift tax rates, in conjunction with the higher individual income tax rates, have generated a need for estate and gift tax planning for broadcast owners to minimize transfer taxes through family and charitable gift planning as well as a need to place income-producing property in the hands of children or other recipients facing lower income tax rates. A comprehensive discussion of such planning is outside the scope of this chapter.

2. Limiting the Estate and Gift Tax on Business Interests

Estate "freezes" to limit or "freeze" the taxable value of the estate have been a popular estate planning device for years. In a typical estate freeze, a senior family member with, for example, a common stock interest in a business, would recapitalize the business with common and preferred stock. The senior family member would retain the preferred stock, which carried the present fair market value of the business, and transfer the common stock, which had little present value but which carried the appreciation potential of the business, to junior family members at little or no gift tax cost. The benefits of certain estate-freezing devices were reduced or eliminated, however, by the adoption of "anti-estate-freeze" rules in 1987 and 1990. Currently, these rules focus on the transfer tax consequences of the stock transfer and modify the valuation, for estate and gift tax purposes, of certain retained rights in corporations, partnerships, and other types of property used in estate freezes.

Chart A
NON-TAX CONSIDERATIONS IN CHOOSING ORGANIZATIONAL FORMS OF BUSINESS

Forms of Business Organization	Limited Liability[1]	Centralized Management	Continuity of Existence[2]	Free Transferability of Interests
Sole Proprietorship	Unlimited personal liability. Persons and business assets are both subject to creditors' claims.	Sole proprietor manages business.	No. Terminates with death of sole proprietor.	No "interests" in business, but assets freely transferable.
General Partnership	No.	Usually not.	No. (Although partnership agreement can provide for continuation in the event of death, disability, etc., of partner.)	No. Generally partner must obtain consent of all partners in order to transfer partnership interest.
Limited Partnership[3]	Yes, but only for limited partners of limited partnership. Limited partners liable only to extent of their capital contributions.	Usually. Generally management vested exclusively in general partners.	Typically no, but can continue for term specified in certificate.	Depends on limitations on transfers contained in partnership agreement.
Corporation	Yes. Shareholders' losses generally limited to the extent of their investment in corporation.	Yes, Board of Directors manages the business.	Yes. A corporation has perpetual existence unless Articles of Incorporation provide otherwise.	Yes. Interests freely transferable unless shareholders' agreement provides otherwise.
S Corporation	Yes. Same as a typical corporation.	Yes. Board of Directors manages the business.	Yes. Same as a typical corporation.	Yes, but shareholders' agreement may provide otherwise.

1 Persons holding interests in a business will want to insulate their personal assets from the debts of and claims against the business. This characteristic is known as "limited liability." The importance of this characteristic as a factor in choosing among organizational forms may be greatly reduced or eliminated to the extent that adequate insurance can be purchased by owners to protect against personal liability.

2 The characteristic of "continuity of existence" refers to whether an organization will continue in existence notwithstanding the death, disability, withdrawal, or bankruptcy of one of its principals.

3 Limited liability companies can be similar to limited partnerships. Typically, a limited liability company has limited liability for members; the extent to which it has centralized management, continuity of existence, and free transferability of interests depends on the organizational documents of the company, and may determine whether the LLC is treated as a corporation or a partnership for tax purposes.

Chart B
TAX CONSIDERATIONS IN CHOOSING ORGANIZATIONAL FORMS OF BUSINESS

Forms of Business Organization	Formation	Taxed on Income	Deductibility of Losses	Possibility of Allocating Different Types of Income and Deductions Among Owners by Agreement	Liquidation of Business
Sole Proprietorship	Tax free; not a separate entity.	Taxed directly to business owner.	Losses deducted by business owner.	No.	No liquidation; not a separate entity.
General Partnership	Generally tax free.	Taxed directly to partners whether distributed. Avoids problem of double taxation. Certain items pass through to partners separately without loss of items' character.	Partnership losses may be used by partners (subject to passive loss and at-risk rules).	Yes, if allocation has substantial economic effect.	Normally no tax.
Limited Partnership	Generally tax free.	Same as for General Partnership.	Partnership losses may be used by partners (subject to passive loss and at-risk rules).	Yes, if allocation has substantial economic effect.	Normally no tax.
Corporation	Generally tax free.	Tax on income at corporate level and a second tax on dividends at the shareholder level.	Losses of a corporation may offset corporate level income, but do not pass through to shareholders.	No.	Generally taxable (two levels).
S Corporation	Generally tax free.	Taxed directly to shareholders whether distributed.	Losses may be used by shareholders (subject to passive loss and at-risk rules).	No.	Generally taxable.

PART XII —
ANTITRUST CONSIDERATIONS

A. JOINT RATE ACTIVITY AMONG BROADCASTERS

B. JOINT PROGRAM PURCHASING

C. JOINT ADVERTISING AND PROGRAM STANDARDS

D. JOINT SALES REPRESENTATION

E. JOINT LOBBYING EFFORTS

F. JOINT NEGOTIATION OF RETRANSMISSION CONSENT RIGHTS

G. JOINT COLLECTION AND DISSEMINATION OF INDUSTRY DATA

H. UNILATERAL CONDUCT BY BROADCASTERS

PART XII — ANTITRUST CONSIDERATIONS

Outlined below are general principles of antitrust law. In addition, this outline describes how the general principles apply in areas of particular concern for broadcasters, including joint rate setting, combination advertising, joint program purchasing, joint lobbying, joint negotiation of cable retransmission consent rights, acquisition of broadcast assets and exchange of credit information.

Very briefly, the antitrust laws prohibit agreements in restraint of trade and monopolization, or the attempt to monopolize, in any line of commerce. Generally, any agreement among competitors affecting the price or output of goods or services is illegal. Antitrust laws are enforced by the federal government — the U.S. Department of Justice (DOJ) and the Federal Trade Commission (FTC) — state attorneys general, and private litigants. Beyond the expense of antitrust litigation, sanctions for violating the antitrust laws include criminal penalties and triple damages.

A. JOINT RATE ACTIVITY AMONG BROADCASTERS

1. Joint Rate Setting

a) Agreements Affecting Advertising Rates

A fundamental principle of antitrust law is that it is illegal for competitors to agree with each other as to the price at which they offer their products or services to their customers. The word "agreement" is used in its broadest sense. Thus, by no means is the word "agreement" limited to formal undertakings, such as written contracts. For antitrust purposes, an agreement may be an informal, tacit understanding under which two parties have accepted a common approach or plan. Indeed, an illegal agreement may be found to exist where competing broadcast stations merely discuss generally their practices regarding advertising rates and then subsequently adopt parallel policies. Because of the extreme sensitivity and potential dangers in this area, station personnel should avoid discussing — even generally — advertising rates and practices, including discounts, credit terms and other terms of sale with employees of competing stations. The reason for this policy is that such discussions can easily be misconstrued and could lead to very serious consequences. For example, even the relatively innocuous exchange of views between competing station managers that "it would be great if advertising rates could be increased for everyone" — if subsequently followed by these stations'

issuance of new, higher rate cards — could be found to be the basis of an illegal price-fixing arrangement.

Competitively sensitive subjects in the area of advertising rates and practices include both: (1) the particular level of rates on a station's rate card; and (2) the station's adherence to its published rates.

1) Rate Card Levels

A station's published rate card sets forth the price or range of prices an advertiser pays for the purchase of time. Each station must determine, independently, the levels of rates on these cards. Any understanding with a competing station as to how such rates will be set is absolutely prohibited by the antitrust laws.

This rule is not limited merely to the specific dollar figures appearing on the card. For example, a more limited understanding between competitors concerning minimum rates for a particular time slot is equally illegal, even though there is no agreement as to the range of higher rate levels. Similarly, even a general understanding that each station will increase its rates in the near future, although specific amounts are not discussed, can violate the antitrust laws.

A station manager also must be alert for instances of indirect fixing of advertising rates through third parties. Because national sales representatives have substantial input in establishing certain rate levels for local stations, such organizations may be in a position to "coordinate" improperly the setting of rates by "competing" stations. A station manager must be on guard to avoid such situations, for any knowing participation in an arrangement, effectuated through intermediary sales representatives, by which the rate cards of competing stations may be "brought into line," still constitutes illegal price-fixing.

2) Adherence to Rate Cards

In many markets, it is common practice for one or more stations to sell at a discount from published rates to certain advertisers. While a station independently may determine to eliminate such off-card selling, it is unlawful for competing stations mutually to agree to discontinue such practices and to adhere to their respective rate cards.

Under antitrust theory, discount sales of published rates are merely another form of competition whereby stations vie for major accounts. Any agreement to adhere to rate cards eliminates entirely this type of competition. Accordingly, any understanding between competing stations to eliminate off-card selling practices is, under antitrust enforcement policy, as suspect as an agreement to fix rate levels.

In this connection, station personnel also should avoid discussions of discounting and off-card rate practices with employees of competing stations.

2. Agreements Regarding Solicitation of Particular Accounts

Agreements by competing stations to allocate potential advertising accounts among the participating stations constitute another illegal practice, closely related to price-fixing arrangements. Such practices include an understanding under which one station agrees not to solicit or pursue the business of particular advertisers (perhaps those located in a certain town) in return for a promise by the other station not to compete for other designated accounts. The effect of such an arrangement is to eliminate competition among the stations with respect to particular advertisers and to enable the stations to dictate rates. Each station then has the power to set whatever rate it can extract from its assigned advertiser accounts, free from the operation of competitive market forces. Such an agreement allocating accounts between competing stations is just like a price-fixing arrangement and constitutes a violation of the antitrust statutes. Similarly, any agreement among stations to refuse to do business with a particular advertiser and thereby exclude them from the market is prohibited by the antitrust laws. While a station may freely choose from the advertisers with whom it may do business, such decisions must be made independently, and not in concert with other stations.

3. Combination Advertising and LMAs

FCC regulations formerly prohibited broadcast stations serving substantially the same area from offering combination advertising rates. Though the FCC has eliminated its long-standing ban on the joint sale of advertising time, such activity is nevertheless subject to the antitrust laws. In another recent development, FCC regulations now explicitly permit time brokerage agreements and other forms of local marketing agreements (LMAs) among radio stations. In essence, such agreements enable a station owner to acquire the rights for sale of advertising air time on another local station in the same market. The FCC also has adopted an "interim policy for LMA arrangements among local television stations." (See p. 150). Regardless of the FCC regulatory posture, stations should enter any type of joint advertising arrangement or LMA cautiously and only after seeking legal advice.

Under the antitrust laws, the legality of joint sales arrangements among independently owned broadcast stations must be considered on a case-by-case basis, and depends not only on the nature of the arrangement itself, but on a number of factors, including:

- the number of stations in the market;

- the size, format and demographics of the station;
- the percentage of a station's time being offered in combination;
- the percentage of the advertising held by the stations in a market (including other commonly held stations);
- the percentage of time available in the market;
- the extent to which stations already compete for advertising dollars; and
- the relationship of the combination rate to the individual selling rate and how the advertising time will be sold if offered in combination.

The greater the direct competition existing among stations for sale of advertising time, the greater the risk of collusion and, thus, the greater the risk that a joint advertising or sales arrangement might be challenged. Similarly, the higher the percentage of a station's total advertising time sold in combination, the greater the risk of antitrust challenge. Finally, the greater the collective market shares of the stations to the joint arrangement (including all commonly owned stations), the greater the antitrust risk. In order to pass muster under the antitrust laws, such ventures must meet the following general guidelines:

- The arrangement must foster competition in the market for sale of advertising time and not be employed as a means to fix prices or otherwise restrain competition.
- The arrangement should be voluntary. Advertisers should be granted the option to purchase advertising from one station without being forced to purchase corresponding time from other stations or being economically prohibited from purchasing advertising time from other competing stations.
- Each station that is a party to a combination rate, moreover, should be free to set its own individual rates, and no station should in any way be coerced into joining a combination rate arrangement.
- The arrangement must be procompetitive. Generally, if a joint advertising or sales arrangement enables a "new product" to be marketed more efficiently, enables a station to compete for business for which individually it could not otherwise compete, or allows stations that appeal to differing audiences to operate more efficiently by selling air time jointly, it would likely be considered procompetitive, depending on competitive conditions prevailing in a particular market.

For example, a station might offer a combination rate for advertising time during a simulcast of a program. In essence, such a program would be a separate or "new" product that could be marketed more efficiently by way of joint advertising. Similarly, in a large market, if it can be demonstrated that small stations, otherwise unable to compete for national advertising dollars, might be able to enter into agreements to sell their advertising time in combination, then such a combined advertising rate might be a valid alternative. Given the fact that most LMAs involve the sale of almost all of one station's air time by another station in the same market, such arrangements should not be undertaken without the advice of antitrust counsel.

B. JOINT PROGRAM PURCHASING

In addition to competition for the sale of advertising time, local stations also compete with one another in purchasing program materials for broadcast to the public. Many of the same considerations discussed previously with respect to advertising practices apply equally in this area.

Thus, the decision of whether or how much to bid on a particular program must be made independently by a station, without consultation with its competitors. Any tacit agreement or understanding between stations that affects this decision would be an antitrust violation. For example, an understanding between two stations in a market that one station will not attempt to pirate away programs carried the previous year by the other station would be an improper arrangement. Similarly, any agreement between the stations that neither one will bid more than a certain amount for a particular program again would be illegal. As with advertising rates and practices, station personnel should avoid discussions with their competitors dealing with proposed bids for program materials. Again, such discussions can be readily misconstrued and provide the basis for a charge of illegal collusion.

Antitrust law, in general, is a complex area and licensees should note that there may be legal ways of achieving appropriate business objectives without violating the antitrust laws. Stations are advised to contact competent antitrust counsel before entering into discussions on sensitive subjects such as advertising rates and terms.

C. JOINT ADVERTISING AND PROGRAM STANDARDS

The same principles that apply to a station's sale of advertising or purchasing of programming apply equally in the area of standard setting. Any agreements among stations that serve artificially to increase the demand for advertising or affect advertising rates are prohibited by the antitrust laws. Any agreements among stations limiting the amount of commercial time offered, or the number of commercial interruptions, also present serious antitrust risks. Station personnel should avoid discussing competitively sensitive information like current inventory (avails). The mere exchange of such information among competing stations could lead to the inference of an illegal agreement restricting output. In order to avoid an antitrust challenge by the government or by advertisers, stations should determine their advertising standards independently, based on their own policies and practices. Similar precautions should be taken with respect to standards regarding program content or advertising restrictions. Stations certainly may adopt public interest policies, but should do so independently, so as to prevent any appearance of agreement among stations concerning particular advertising.

Broadcasters' joint participation in setting technical standards, however, is perfectly legal and appropriate so long as the standard-setting process incorporates "open-to-all" and "due process" procedures and is not used to gain an unfair advantage over a competitor. There are several industry associations, like the Electronic Industries Association (EIA) and NAB, which have conducted industry-wide technical standard setting under procedures that are designed to avoid antitrust risks.

D. JOINT SALES REPRESENTATION

The FCC has also repealed its regulations prohibiting sales representatives from selling advertising time in combination on two or more separately owned stations. The FCC's rationale for replacing the regulations is that there may well be certain circumstances under which such joint sales might allow advertisers to reach a more diverse audience or reduce administrative expenses. Again, the circumstances under which joint advertising sales are legitimate are narrowly constrained by the antitrust laws. Stations should be kept informed when sales representatives are selling their advertising time in combination and should seek the advice of counsel to avoid the risk of a legal challenge.

Antitrust problems may arise from the use of a common sales representative where the representative becomes a means by which collusion can occur between stations by facilitating or enforcing an agreement between the stations on their advertising rates. This may occur if the sales representative is responsible for the sale of all or most of the stations advertising time, and if sensitive information flows

freely between the stations through the representative. Antitrust risks can be minimized where the joint sales representative can attract national, regional or local advertising revenue to each of the client stations. Separate station contacts should be established, and each client station independently should make its own sales and advertising rate decisions. Rate card information should be provided to the joint sales representative in a manner that ensures confidentiality and avoids coordination or agreement between stations. Finally, if target audience demographics for the stations vary widely from each other, and if the stations generally attract different advertisers, antitrust risks can be reduced.

E. JOINT LOBBYING EFFORTS

Lobbying efforts jointly undertaken by a group of stations is a constitutionally protected and legitimate activity under the antitrust laws. Though an agreement among broadcasters to ban certain advertisements, for example, might be a violation of the antitrust laws, a joint effort to encourage the legislature to ban such advertisements would be legal and appropriate. While undertaking such joint legislative efforts, station managers must avoid exchanging rate information or agreeing with competing stations as to any conduct unrelated to lobbying efforts.

F. JOINT NEGOTIATION OF RETRANSMISSION CONSENT RIGHTS

The Cable Television Consumer Protection and Competition Act of 1992 requires cable operators to carry the signals of a specified minimum number of local broadcast television stations and requires cable operators to obtain broadcasters' consent for retransmission. Under the Act, broadcasters who do not elect must carry are given the right to grant or withhold retransmission consent. In light of this development, a number of broadcast stations have expressed interest in forming negotiating groups to deal with cable operators in order to obtain greater leverage to negotiate meaningfully the terms of retransmission with the cable companies.

Such joint negotiation poses significant antitrust risks as it may be viewed as a mechanism to fix compensation rates or to implement a collective refusal to deal. In fact, the Department of Justice launched several investigations in the wake of the initial round of retransmission consent negotiations and filed a complaint alleging illegal conspiracy against the three major network television affiliates in Corpus Christi, Texas. The stations thereafter entered a consent decree that prohibits them from communicating — directly or indirectly — any information to other stations

involving any aspect of their retransmission consent strategies and negotiations. In papers filed in court, the Justice Department took a firm position, stating that:

> [T]he antitrust laws require that [retransmission consent] rights be exercised individually and independently by broadcasters. When competitors in a market coordinate their negotiations so as to strengthen their negotiating positions against third parties and so obtain better deals, . . . their conduct violates the Sherman Act.

There may be limited situations, however, where a joint negotiating arrangement would be considered procompetitive. Factors that would affect the antitrust risk include how much market power the group will have; whether individual stations are allowed to opt out of the group and negotiate independently with the cable operators; whether there is any efficiency or economic justification for the joint negotiation; and whether the joint effort would increase competition (e.g., result in a new channel or additional, otherwise unobtainable, programming or advertising). For example, smaller broadcasters who collectively have a very limited market share, and who may be able jointly to offer a new service, may be able to negotiate retransmission rights jointly. In addition, stations might be able to negotiate jointly if they are in different DMAs, or otherwise don't directly compete.

Given the sensitivity of the antitrust issues and the position of the Department of Justice regarding this conduct, participation in any joint negotiating activity or discussions should only be undertaken after consultation with antitrust counsel.

G. JOINT COLLECTION AND DISSEMINATION OF INDUSTRY DATA

1. General Principles of Law

Stations may jointly collect and disseminate industry data and financial information on an aggregate basis so long as it is not used jointly to set advertising rates or to exclude other stations or certain advertisers from the market. The dissemination of historical aggregate industry data benefits all stations in their planning and marketing and, thus, actually increases competition in the broadcast market. Stations should be careful, however, not to exchange current or projected rate information with other stations, in order to avoid even the appearance of collusion or price-fixing.

2. Exchange of Credit Information

Stations may also exchange information regarding the credit-worthiness of advertisers, so long as no information is exchanged regarding rates or credit terms. The Department of Justice has recognized that the exchange of credit information can serve the procompetitive purpose of reducing costs and improving the quality of information about potential customers. However, the Department has only approved those exchanges that are limited strictly to credit information and that are designed to avoid collusion in rate-setting.

In order to avoid antitrust risks, any exchange of credit information among stations should be voluntary and should be open to any station wishing to participate. Stations should only exchange information about advertisers' creditworthiness, such as whether certain accounts have been prompt or slow in payment, whether certain accounts are past due, etc. Importantly, stations may not exchange information regarding rates or credit terms, nor use the credit information exchange to facilitate any agreement regarding rates or credit terms or practices. Nor should the credit information exchange facilitate a boycott or joint refusal to deal with any particular advertisers or facilitate the allocation of advertisers among the participating stations. Simply stated, the exchange of information must not restrict or interfere with any station's exercise of independent judgment in setting its own credit terms and in dealing with advertisers.

H. UNILATERAL CONDUCT BY BROADCASTERS

Though antitrust concerns arise most frequently with respect to joint action among independently-owned stations, individual stations (or stations under common ownership) that exercise significant market power within defined economic market may run afoul of the antitrust laws based solely on their unilateral conduct. As a rule of thumb, the Department of Justice currently uses a market share of 35 percent to indicate the potential for anticompetitive conduct by a single entity. Therefore, a station with a 35 percent or greater market share cannot use its dominance to control prices or remove other stations from competition for particular advertising. Such a situation is most likely to occur when a large station occupies a dominant position in a small market. In that situation, for example, the station must not use its dominant position to coerce an advertiser not to purchase advertising from another station or another medium.

Similarly, if by offering a combination advertising rate, two or more commonly owned stations are able to dictate prices in the market, or exclude other

stations or advertising media from competing in that market, the stations run a substantial risk of violating the antitrust laws.

I. BROADCAST MERGERS AND ACQUISITIONS

Though the recent 1996 Telecom Act eased restrictions on broadcast station ownership, it did not exempt broadcast station acquisitions from antitrust scrutiny and from compliance with the Hart-Scott-Rodino Act (H-S-R). The H-S-R Act requires that companies or transactions meeting certain size criteria be subject to reporting requirements and a waiting period, during which either the DOJ or FTC may investigate the proposed transaction and determine whether it raises any antitrust concerns.

Generally, proposed transactions that meet all of the following criteria are subject to the Act one of the parties (the buyer or the seller) has sales or assets of at least $100 million; the other party has sales or assets of at least $10 million dollars; and, as a result of the transaction, the combined company will hold a total amount of stock or assets of the seller valued at more than $15 million. Transactions meeting this criteria are reportable under the H-S-R Act, which means that both the buyer and the seller must submit information about their business operations to the government. The Notification and Report Form that the parties must file solicits information that the enforcement agencies use to help evaluate the antitrust effects of the proposed transaction. The parties to the transaction are required to describe the structure of the transaction and submit balance sheets and other financial data, as well as planning and strategy documents that pertain to the proposed transaction. The filing of the H-S-R form and submission of information are kept confidential by the government. In addition, the buyer must pay a $45,000 filing fee. A party who is obligated to file under the H-S-R Act and fails to do so is subject to a $10,000-per-day penalty.

After filing the H-S-R form, the parties must then wait 30 days while the reviewing agency (either the DOJ or the FTC) determines whether the proposed transaction raises antitrust concerns. Moreover, that period can be extended by the government to allow the agency to seek additional information from the parties.

If the reviewing agency decides to challenge the transaction, it must file a complaint in federal court to enjoin the transaction. It should be noted, however, that even if a transaction is not reportable under the H-S-R Act, either agency can investigate and challenge the transaction under the antitrust laws.

PART XIII —
LEGAL ISSUES FOR ONLINE SERVICES

A. BACKGROUND

B. RISK MANAGEMENT TECHNIQUES

C. ONLINE LEGAL LIABILITY ISSUES

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A. BACKGROUND

As broadcasters join the growing trend toward commercializing the Internet, exploring new ways to communicate with their audiences and developing new markets for their services and products online, new questions arise about legal risks and responsibilities. The law in the online area is still in the early stages of development, but there are strategies a station may follow to minimize or manage its potential liabilities.

Commercialization is coming to the online world after years of formative growth of the net under the stewardship of committed early users. Those users developed a body of informal rules to govern their relationships, along with a fiercely held view that there is little place on the Internet for traditional legal rules about copyright ownership, exclusive rights and restrictions on free speech. As technology and entrepreneurship make the Internet more accessible to more and more people, the limits of that view are being tested.

Is the Internet a world unto itself, in which the users themselves govern and one's protection against injury to commercial or personal rights is to respond in kind? Or is it just another, more powerful version of a mass medium that allows people to engage in the same kinds of social and commercial interactions — publishing, reading, buying, selling, consuming and communicating — that already thrive under our current legal rules? Some who favor the first view believe that the Internet should police itself, and should not be subject to the jurisdiction of "land-based" courts. But plaintiffs are turning to the conventional court systems to provide them relief against alleged wrongdoers on the net, and some are succeeding.

To date, there has been only a handful of published decisions in the lower courts resolving disputes over online activities, although the number is growing. Several proposals have also been made to adopt new federal laws to govern the online world. At this point, however, there are more unanswered questions than clear guidelines.

For a station interested in avoiding the honor of being a defendant in the next case that helps define the new rules for the online world, there are several prudent preventive measures that should be considered. A brief summary of some

such measures is presented next, followed by an overview of some of the legal issues raised by online activities.

B. RISK MANAGEMENT TECHNIQUES

An important legal question that is only beginning to be defined in the Internet caselaw is the extent to which providers of online services will be held liable for wrongful acts of the users of their services, even if they engaged in no wrongdoing themselves. When a broadcaster establishes a presence on the net, there are thus two levels of potential liability to consider — direct and indirect. This, of course, is true also for a broadcaster's usual business, where, for example, claims of defamation or of violations of the ban on lottery advertising can result in liability for the broadcaster even if the offending statements came from a third party. Accordingly, the basic strategies for managing risk are similar to those a broadcaster already follows.

Selecting a Mode of Operation. A first level of risk analysis is to consider the different degrees of risk associated with different kinds of online services. For example, a service that allows users to communicate with each other, as in a bulletin board service (BBS), may present a risk of liability for the service provider if users engage in defamation or copyright infringement; but a service limited to communications with the service provider or to reading the information the provider has put up onto a home page should be controllable in such a way that users' comments are not "published" by the service provider, and the risk of indirect liability can be reduced.

The early lower court cases have also sketched out a general distinction between passive carriers of communications and companies that screen or review messages for purposes of enforcing their rules or standards. If a service provider undertakes a censor's role, it must do so effectively or risk liability.

As with certain types of "high risk" programming, a station entering the online world should consider at what point the risks associated with certain services begin to outweigh the commercial benefits of those services. In combination with other risk management techniques, this basic evaluation should enable stations to adopt a mode of operation that presents minimal, or at least acceptable, legal risk.

Protection Through Contracts. In the developing environment of online services, it is difficult to predict with certainty what legal standards will ultimately govern. An important way to reduce uncertainty may be through imposing acceptable standards by contract. As with releases broadcasters normally obtain, agreements related to new online services can offer some protection from liability,

or can create a separate claim for indemnification or contribution from the company with which the station does business. An indemnification, of course, is worth only as much as the party agreeing to indemnify.

Contracts can be used to reduce, avoid or share risk with: (1) partners on whom the station is relying to launch and operate a new online service; (2) suppliers of content to be provided over that service; and (3) users of the service. With respect to the first two categories, conventional models of written contracts used by the broadcaster should be able to be adapted, with care, to cover the new kinds of service. With respect, however, to users of the service — the station's customers — new forms of agreement may have to be developed.

Stations have typically not had subscriber agreements with their listeners or viewers. They sometimes have had occasion to enforce rules and seek releases from listeners or viewers in connection with contests or other promotions; but the context and scale of online services present different issues. Depending on the mode of operation a broadcaster chooses to pursue, it may be advisable to obtain agreements, from all users of the system, that protect the broadcaster from liability for actions of other users and allow the broadcaster to enforce its own policies and standards by having the acknowledged right to deny particular individuals further access to the service or to remove or bar certain types of material. Some obtain such protection by requiring traditional written subscription agreements as part of gaining initial access to the service. It may be necessary, depending on the scope and nature of the service, to seek to impose such agreement through a series of "readme" files or other entry screens as users access the system online. The enforceability of certain kinds of online contracts has not been definitively established. It seems clear, however, that an online service provider can obtain some degree of protection for itself by requiring active consent by a user to reasonable, clearly stated terms and conditions as a prerequisite to accessing the service.

Insurance. Some degree of protection from some types of risks may be covered by an Errors and Omissions insurance policy. As with a broadcaster's primary business, such coverage may be limited, or may not be available at all for some kinds of activities. To the extent an insurer is willing to cover ancillary online services, it may also offer loss prevention services that provide additional guidelines for the broadcaster's protection.

System Operating Policy. Another common risk management technique for broadcasters is to adopt and enforce policies and procedures for station operations that routinize the identification of trouble situations and describe how they are to be resolved. In the online environment, having a clear policy of monitoring its own communications and promptly responding to problems is prudent. If a problem occurs, the fact that the broadcaster had a reasonable policy in place to try to prevent such problems, and that it occurred despite the broadcaster's having

followed its policy, can help to defeat a claim of negligence or fault on the part of the broadcaster. Of course, adopting a policy and then ignoring it or not implementing it effectively can have the opposite effect: when a problem occurs, the existence of the policy can be cited to show the broadcaster's awareness that it should have done something to prevent the problem.

Periodic on-screen warnings may also be helpful. Such warnings can include reminders that copying copyrighted materials and transmitting obscene and certain indecent materials are violations of federal law.

Technological Measures. Some kinds of liability risks can be minimized through technological means, used in combination with other risk management techniques. For example, a delay in posting public messages (akin to a station's tape delay on live talk programs) can allow messages to be monitored before posting and rejected if they do not meet the standards the broadcaster has adopted and imposed on users through subscriber agreements. The legal and business risks of having users of a broadcaster's online services break into the broadcaster's proprietary files can be reduced through the use of "firewalls" or through overall system design. At least one online service filters public messages through a program that searches for and deletes or rejects obscene or indecent language (although the program has reportedly had to be expanded repeatedly in order to include new synonyms adopted by users to get around it).

In sum, although the new technology of the net presents some new legal liability issues, the broadcaster embarking on a new online venture can follow risk management techniques, much like those it already uses in its broadcasting business, to deal with those risks. Following is an outline of some of the liability issues presented by online services.

C. ONLINE LEGAL LIABILITY ISSUES

An overriding problem with identifying legal issues associated with new online services is uncertainty about what law actually applies. Because users of the Internet can be located in almost any state or country throughout the world, the question of whether any legal requirement or standard has been violated must depend on whether the law of the jurisdiction of the user, the jurisdiction of the injured party, the jurisdiction of the service provider or some other jurisdiction applies. For some situations, all affected parties are located within the United States, and there is federal law that controls the question. In other situations, however, the opening of a service to all comers on the Internet may arguably subject the service provider to unexpectedly stringent legal standards of a far-flung state or country. This issue is still being worked through in cases and in proposed

legislation, but it may present real problems, depending on the nature and scope of the service being offered.

Copyright Issues. Copyright ownership issues are among the most hotly debated in the online world. Consistent with their view that the Internet should be free and open, some argue that there should be no copyright law impediment to freely using any material that is introduced onto the net. Others, concerned that the potential of the net for growth and for integration into the "National Information Infrastructure" will not be fulfilled unless it can successfully be commercialized by private entrepreneurs, argue that without a way to protect works from being copied and used, copyright owners will not allow their works to be distributed online.

There is disagreement about whether the current federal copyright law can be applied to protect works online. In particular, there is debate about whether the transmission of a work online without the owner's authorization is literally covered by the Copyright Act's prohibition against unauthorized "copying" or "distribution" of a work. Congress is now considering proposed legislation that would make it clear that unauthorized "transmission" of a copy is copyright infringement. This proposal followed the recommendations of an interagency group on intellectual property rights, which issued a "White Paper" on the subject in September 1995.

As with broadcast programming, the copyright question for online services has two dimensions: (1) how to protect the station's own works against unauthorized use; and (2) how to avoid infringing the works of others. When the broadcaster provides a service more akin to a BBS, a third dimension of how to avoid liability as an indirect infringer for unauthorized copying by others must also be considered.

On the first dimension, protecting the station's own work from infringement, broadcasters are faced with a business choice. If they see the potential (as some broadcast networks and stations already have) for additional revenue streams coming through online distribution of their work, they will need to consider whether and how far to make their materials freely available on the net. At this point, it is technically rather difficult to control all access to materials placed online. Some newspaper publishers are of the view that the difficulties of controlling access to their stories themselves makes the "packaging" or editing they provide the most valuable work they can market, and are adopting online pricing structures based on subscription to the service rather than the level of use or copying of the content. Nonetheless, both technological and legal changes are on the horizon that will make it easier to control (or to charge for) access to individual copyrighted works online. Broadcasters may wish to position themselves to be able to exploit the new market environment as it becomes better established.

Second, the online content provider must guard against infringing others' copyrights. When the broadcaster puts content online, such as through a Web home

page or through a dial-in type service, it must assure that such online use has been licensed or otherwise authorized for all copyrighted material included. In general, materials created by the station's employees in the normal course of their employment belong to the broadcaster and can be used fully by the broadcaster. Material obtained from freelancers may present a problem, even if its use on the station itself is fully authorized. The Writers Guild, for example, has sued the New York Times and other papers, arguing that those papers' inclusion of their previously published stories in an online database was outside the scope of the agreement (and the compensation) for the initial publication of the stories. Similarly, material licensed from others for broadcast may not be licensed for online distribution. The music licensing societies, for example, have taken the position that online playing of music requires additional license fees. And of course, the use of material obtained from others without authorization will present real infringement problems. There is an ongoing debate about the extent to which linking to others' home pages on the World Wide Web, especially in order to incorporate material from the others' pages into your own, constitutes copyright infringement.

It seems, however, that an online provider who is not even aware of the unauthorized copying of copyrighted material may face liability. In one leading lower court case, the provider of a BBS service was held liable for direct copyright infringement after one of its subscribers uploaded some scanned *Playboy* magazine photos onto the service and other subscribers downloaded them. The court specifically noted that knowledge was not necessary to establish direct copyright infringement. Under this theory, any online service, the computers of which caused a copy of a work to be made by electronically copying it to another computer's memory, could be found liable for copyright infringement.

More recently, a court found that Sega had established a prima facie case of both direct and contributory infringement by a defendant BBS who had provided the facilities and encouragement for users to upload and download Sega's computer games.

The White Paper takes the position that online providers, like anyone else, should be held liable for direct infringement, regardless of their knowledge about the copying or the nature of the copying.

A broadcaster should seek to avoid indirect infringement liability for the direct infringements of its users. If the broadcaster does not operate a service that allows the posting of public messages or the sending of communications among subscribers, the risk will be substantially lowered. But even if it does provide such a service, the broadcaster can reduce its risk by adopting policies against unauthorized copying and distribution, making those policies part of the subscriber's agreement, posting periodic warnings about the policies, monitoring public postings

to identify problems and promptly enforcing its policies if it becomes aware of violations.

Copyright cases can be both expensive and inconvenient. In another case, the Church of Scientology has used provisions of the copyright laws to have law enforcement officials seize system files and equipment, in pursuit of evidence to prove their case against users it accused of unauthorized uploading of copyrighted works and trade secrets. Although the court recently ordered the return of the materials, it is clear that the special enforcement provisions of the copyright law can provide powerfully disruptive tools to a plaintiff.

Rights of Publicity. The right of publicity is, unlike copyright, a matter of state law, and there are substantial variations among states. In essence, it is the right of an individual to prevent the unauthorized use of his or her name, likeness or voice by others for commercial purposes. In some states, the right continues posthumously, being enforceable by the deceased's estate. The unauthorized use of the name or likeness of an artist or other famous individual for promotion of an online service, thus, may be actionable in some states. Even if the broadcaster and its facility are located in a state where such use is not unlawful, it may be that the availability of the promotional content to users online in other states would subject the service provider to suit there.

Trademarks. Like copyright, trademark issues involve two dimensions: (1) avoiding infringement of others' marks; and (2) protecting the broadcaster's own marks. The trademark right itself is a property right created by the use of a certain mark in association with a certain product or service in commerce. Infringement arises when a competitor later adopts a similar mark for a similar product or service, resulting in a substantial likelihood of confusion among potential customers about the source of the product or service. The overall appearance of a home page, or the name given to an online service, can be protected as a mark or as "trade dress."

Broadcasters commencing online services should seek to avoid adopting marks already in use by others for similar services offered in the same stream of commerce. Once they develop and use a particular mark of their own, they should seek to prevent later users from continuing to use similar marks. The unimpeded use of similar marks by others can erode and undercut the property right in the original mark.

In the trademark area, there are both state and federal laws. Trademark rights may be limited to the particular region in which the mark has been used, while similar marks are used by others in different regions. Internationally, the same is true, and it is possible for the same mark to be owned by unrelated parties in different countries. The issue of the geographic extent of protection of marks only used online has not yet been resolved. It may be, however, that an

infringement claim could be brought against a party adopting a certain mark online, even though that mark has previously been used only in an area remote from the online service provider's location, because it has now been made accessible to subscribers in the previous owner's area.

The use of online domain names has also raised new trademark issues. A number of people have adopted domain names, such as McDonalds, that are famous marks belonging to someone else. These may involve competitors as well as unrelated parties. For example, The Princeton Review took the domain name "Kaplan" despite the fact that its principal competitor operated under the name Stanley Kaplan. Internic, the organization that assigns domain names, does not do a trademark search before granting an application for a domain name. A trademark owner may complain to Internic if someone else is using its trademark as a domain name, but unless ordered by a court or arbitrator, Internic will not remove a domain name if the complainant does not have a registered trademark. Thus, to protect a trademark online, such as a station call sign, it is important to register it. This is also true whether a company has already begun to use a domain name based on its own trademark.

Advertising. Increasingly, online providers are viewing advertising as a promising way of profiting from online services. Both the FTC and state attorneys general have pursued deceptive advertisers on the Internet. The FTC Act, the Lanham Act, and state unfair competition and consumer protection laws apply to the Internet. As a general rule, providers of advertising space are not liable for false or deceptive advertisements unless they indicate support or approval of the advertisement.

Defamation. As with a broadcaster's station operations, the extent of liability of an online service provider for defamation depends on the nature of the services being provided. To the extent the service provider exercises direct control over content, or makes the defamatory statement itself, it may be liable for defamation. To the extent, however, the online service provider acts as merely a conduit for the online messages and does not act in an editorial capacity, it may avoid liability. The leading case decided thus far has held that CompuServe was not liable for publishing a defamatory statement, because it did not even review the message before it was posted.

There is a wide-ranging debate about whether legal remedies for defamation are appropriate at all in the online world. Because every person online, the argument goes, is a publisher with an equally large audience and an equally effective distribution system, the only remedy for false and defamatory remarks should be the victim's right to present his or her own side of the story in response. While the debate goes on, however, it is likely that courts will continue to award

damages and impose other relief for defamatory statements under the traditional law of libel.

Obscenity and Indecency. The First Amendment protection of free speech has been held not to extend to "obscene" materials. The question of what is obscene must be determined by reference to local "community standards." Thus, speech that is grounds for arrest and conviction in some communities may be constitutionally protected in others.

The online world was rocked in 1994 by the conviction of two system operators based in California for violations of Tennessee's obscenity law. This case brought home the difficulties of operation in cyberspace, which passes over and through a variety of jurisdictions that may exercise their authority to protect the interests of their citizens. The benefits of being accessible online come with the baggage of being subject to potentially inconsistent legal requirements. A litigant must still, however, establish "personal jurisdiction" in a particular state or district in order to obtain relief from an online service provider.

In addition, online providers should be aware that there are countries that have more restrictive laws than the United States, and that those countries sometimes act to prevent their citizens from having access to certain material. For example, German prosecutors forced CompuServe to block access to certain bulletin boards because they contained material that violated German law. Such censorship is not limited to obscenity and indecency. It also includes political censorship. For example, China is acting to deny its citizens access to ideas from abroad that it deems unacceptable.

The Communications Decency Act was signed into law in February 1996. It outlaws, under certain circumstances, the transmission of obscene or indecent materials. The new act creates at least two concerns for online providers. First, some people have voiced concerns that the law is too broad because it would encompass such topics as AIDS, abortion and war atrocities.

Second, the new act makes it illegal for a service provider to permit others to use its telecommunications facilities to knowingly transmit or display obscene or indecent material under certain circumstances. The word knowingly is not defined. There is an "access provider defense" for passive carriers, but it is limited to those who do not exercise any control over the facility. It may be that the defense would not apply to bulletin board operators when users place indecent or obscene material on the bulletin board. Therefore, bulletin board operators are once again put in a difficult legal position.

In June 1996, a three-judge court preliminarily enjoined enforcement of this Act on the grounds that it likely violated the First Amendment. It is expected this case will be reviewed by the U.S. Supreme Court.

Privacy. The Electronic Communications Privacy Act prohibits, among other things, the interception of private electronic messages during transmission and the disclosure of private electronic messages from storage. The service provider can be held liable for damages and attorney's fees. If the user has consented in advance to the interception or disclosure, liability can be avoided.

Under state law, the privacy rights of an individual can be violated by the unconsented disclosure of personal matters or by holding the person up in a "false light." These potential issues are typically well understood by broadcasters in connection with their own news programming, and similar principles of risk management would apply online.

PART XIV —
NAMES AND TELEPHONE NUMBERS

A. FCC PERSONNEL

B. ENGINEER IN CHARGE OFFICES

C. CONGRESS AND OTHER AGENCIES

PART XIV —
NAMES AND TELEPHONE NUMBERS

A. FCC PERSONNEL

On the following pages are listed FCC officials whose activities are of particular interest to broadcasters.

Also listed are telephone numbers of Congressional Committees and Federal agencies with whom broadcasters may deal from time to time.

ALL NUMBERS AT THE FCC AND OTHER AGENCIES IN WASHINGTON ARE AREA CODE 202 UNLESS OTHERWISE INDICATED.

THE FCC WATCH OFFICER NUMBER FOR EMERGENCY AFTER HOUR NOTIFICATION IS (202) 632-6975.

THE FCC NATIONAL CALL CENTER NUMBER NOW BEING EXPANDED IS 1-888-225-5322 (1-888-CALL FCC).

ORGANIZATIONAL LISTING

FEDERAL COMMUNICATIONS COMMISSION

	Telephone No.	Room No.
CHAIRMAN REED E. HUNT	418-1000	814
Confidential Ass't Ruth A. Dancey	418-1000	814
Chief of Staff Blair Levin	418-1000	814
Senior Legal Advisor Ruth Milkman	418-1000	814
Counsel to the Chm Julius Genachowski	418-1000	814
Special Assistant John Nakahata	418-1000	814
COMMISSIONER James H. Quello	418-2000	802
Confidential Ass't Ginger Clark	418-2000	802
Sr. Legal Adv Lauren J "Pete" Belvin	418-2000	802
Legal Advisor Rudolfo M. Baca	418-2000	802
Special Counsel James Coltharp	418-2000	802
COMMISSIONER Rachelle B. Chong	418-2200	844
Confidential Ass't Eileen Duff	418-2200	844
Senior Legal Advisor Jane Mago	418-2200	844
Legal Advisor Daniel Gonzales	418-2200	844
Legal Advisor Suzanne Toller	418-2200	844
COMMISSIONER Susan Ness	418-2100	832
Confidential Ass't Janice B. Wise	418-2100	832
Senior Legal Advisor James L. Casserly	418-2100	832
Legal Advisor David R. Siddall	418-2100	832
Legal Advisor Anita Walgren	418-2100	832
Legal Advisor Mary P. McManus	418-2100	832
COMMISSIONER Regina Keeney (nom.)	418-2300	826
OFFICE OF PLANS AND POLICY		
Robert M. Pepper/Chief	418-2030	822
Elliott Maxwell/Deputy Chief	418-2030	822
Joseph Farrell/Chief Economist	418-2030	822

OFFICE OF PUBLIC AFFAIRS

Susan Lewis Sallet/Acting Director	418-0500	202
Maureen P. Peratino/Deputy Director	418-0500	202
David H. Fiske/Deputy Director	418-0500	202
Audrey J. Spivack/Press Secretary	418-0500	202
Consumer Assistance Branch		
Sharon Jenkins, Chief	418-0190	254
Reference Operations Division		
William Cline, Chief	418-0267	242
Mass Media/Adjudication Branch	418-0272	242
Ownership Reports	418-0258	221
Records Imaging Processing System (RIPS)	418-0029	230
Tariff Public Reference Room	418-1933	250
Call Sign Availability Information	418-0270	230
Cable Files	418-0919	333
Library Branch		
Gloria Thomas, Chief	418-0450	639

OFFICE OF GENERAL COUNSEL

William E. Kennard, General Counsel	418-1700	614
Christopher J. Wright, Dep. General Counsel	418-1700	
Litigation Division		
Daniel M. Armstrong, Associate General Counsel-Litigation	418-1740	602
Administrative Law Division		
Sheldon M. Guttman, Associate General Counsel-Administrative Law	418-1720	616

OFFICE OF INSPECTOR GENERAL

H. Walker Feaster, Inspector General	418-0470	752

OFFICE OF MANAGING DIRECTOR

Andrew S. Fishel, Managing Director	418-1919	852

OFFICE OF ENGINEERING AND TECHNOLOGY

Richard M. Smith, Chief	418-2470	480
Bruce A. Franca, Deputy Chief	418-2470	480

Policy and Rules Division		
Lynn Remly, Chief	418-2472	480
Spectrum Policy Branch		
Charles J. Iseman, Chief	418-2473	480
Allocations and Standards Division		
Robert M. Bromery, Chief	417-2475	230
Spectrum Utilization and Economics Branch		
Steve B. Sharkey, Chief	418-2476	230
Standards Development Branch		
Richard B. Engelman, Chief	418-2477	230
New Technology Development Division		
Lawrence P. Petak, Chief	418-2478	230
Experimental Licensing Branch		
H. John Morgan, Chief	418-2479	230
Technical Research Branch		
David L. Means, Chief	(301) 725-1585	
Equipment Authorization Division		
Julius P. Knapp, Chief	(301) 725-1585	
Applications Processing Branch		
Charles M. Cobbs, Chief	(301) 725-1585	
Customer Service Branch		
L. Art Wall, Chief	(301) 725-1585	

CABLE SERVICES BUREAU

Meredith Jones, Chief	418-7200	918
William H. Johnson, Deputy Chief (Policy)	418-7200	918
John E. Logan, Acting Deputy Chief	418-7200	918
Morgan Broman, Special Assistant	418-7200	918
Consumer Protection and Competition Division		
Gary Laden, Acting Chief	418-1029	700
Jacqueline Spindler, Depty Chief	418-1029	700
Policy and Rules Division		
JoAnn Lucanik, Acting Chief	418-7034	406
Engineering and Technical Services Division		
John Wong, Chief	418-7000	201

COMMON CARRIER BUREAU

Regina Keeney, Chief	418-1500	500
Kathleen Levitz, Deputy Bureau Chief	418-1500	500
A. Richard Metzger, Jr., Deputy Bureau Chief	418-1500	500

COMPLIANCE AND INFORMATION BUREAU

Beverly G. Baker, Chief	418-1100	734
Arland K. vanDoorn, Deputy Chief	418-1105	734
Joseph P. Casey, Deputy Chief	418-1100	734
Lawrence R. Clance, Asst. Bureau Chief for Law	418-1100	734
George R. Dillon, Engineering Adviser	418-1100	734
Wayne T. McKee, Legal Adviser	418-1100	734
Office of Management and Resources		
Robert W. Crisman, Asst Bureau Chief for Management and Resources	418-1135	728
Resources Group		
Glenna F. Werking, Director	418-1133	728
Office of Information Resources		
John R. Winston, Assistant Bureau Chief for Information Resources	418-1100	734
Frank Lucia, Director, Emergency Communications	418-1226	736

INTERNATIONAL BUREAU

Donald H. Gips, Chief	418-0420	800
Roderick K. Porter, Deputy Chief	418-0420	800
James L. Ball, Associate Chief (Policy)	418-0420	800
Karen Kornbluh, Assistant Bureau Chief	418-0420	800
Telecommunications Division		
Diane J. Cornell, Chief	418-1470	800
Mindel De La Torre, Deputy Chief (Policy)	418-1470	800
George Li, Deputy Chief (Operations)	418-1470	800
Policy and Facilities Branch		
Troy Tanner, Chief	418-1460	800
Multilateral and Development Branch		
Peter Cowhey, Chief	418-0480	800

Satellite and Radiocommunications Division		
Thomas Tycz, Chief	418-0719	800
Cecily C. Holiday, Deputy Chief	418-0749	500
Joslyn Read, Assistant Chief	418-0719	800
Satellite Engineering Branch		
Harold Ng, Chief	418-0752	500
Radiocommunication Policy Branch		
William A Luther, Chief	418-0729	800
Satellite Policy Branch		
Fern Jarmulnek, Chief	418-0751	500
MASS MEDIA BUREAU		
Roy J. Stewart, Chief	418-2600	314
Renee Licht, Deputy Chief (Policy)	418-2600	314
Mary Ellen Burns, Deputy Chief (Operations)	418-2600	314
Robert H. Radcliffe, Senior Legal Assistant	418-2600	314
Keith Larson, Assistant Chief (Engineering)	418-2600	314
Jonathan Cohen, Assistant Chief (Law)	418-2600	314
Saul T. Shapiro, Asst. Chief (Tech. Policy)	418-2600	314
Marsha McBride, Special Assistant	418-2600	314
Janet S. Amaya, Assistant Chief Management and Personnel	418-2610	310
Thomas Wilchek, Chief Authorization Programming Group	418-2650	346
Audio Service Division		
Linda Blair, Chief	418-2780	302
Stuart B. Bedell, Assistant Chief (Law)	418-2780	302
Dennis Williams, Assistant Chief (Engr.)	418-2780	302
Customer Service Team (Application/Pleading Status)		
Assignment and Transfer Applications	418-2782	302
Radio Renewal Applications	418-0186	302
Other Applications		
AM Service	418-2795	302
FM Service	418-2730	302
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Silent Station Information	418-2795	302
Engineering Database	418-2795	302

Legal Processing Group		
Lisa A. Scanlan, Supervisor	418-2720	332
Ricardo M. Durham, Supervisor	418-1690	342
Petitions and Appeals Group		
Alan J. Schneider, Supervisor	418-1690	348
Michael F. Wagner, Supervisor	418-2720	332
Kelly F. Yaksich, Supervisor	418-2720	332
Technical Processing Group		
Robert J. Greenberg (FM)	418-2720	332
James R. Burtle (AM)	418-2670	342
Processing Support Group		
James R. Crutchfield, Supervisor	418-2720	332
Enforcement Division		
Charles W. Kelley, Chief	418-1420	8202
Edythe Wise, Assistant Chief	418-1420	8202
Complaints/Political Programming		
Norman Goldstein, Chief	418-1430	8210
Robert L. Baker/Political Programming	418-1440	8202
Equal Employment Opportunity Branch		
Paulette Laden, Chief	418-1450	7218
Policy and Rules Division		
Douglas W. Webbink, Chief	418-2120	536
Bruce A. Romano, Deputy Chief	418-2120	536
Andrew J. Rhodes, Special Legal Adviser	418-2120	536
Legal Branch		
Buck Logan, Chief	418-2130	556
Engineering Policy Branch		
Bruce A. Romano, Acting Chief	418-2170	536
Policy and Industry Analysis Branch		
Judith Herman, Chief	418-2170	536
Allocations Branch		
John A. Karousos, Chief	418-2180	565
Video Services Division		
Barbara A. Kreisman, Chief	418-1600	702
James J. Brown, Assistant Chief	418-1600	702
Charles Dziedzic, Assistant Chief	418-1600	712

Television Branch		
Clay Pendarvis, Chief	418-1600	702
Mary M. Fitzgerald, Acting Supv. Attorney	418-1600	702
Low Power Television Branch		
Mary M. Fitzgerald, Chief	418-1600	702
Hossein Hashemzadeh, Supv. Engineer	418-1650	712
Distribution Services Branch		
Clay Pendarvis, Acting Chief	418-1600	702
Ownership Staff		
LeAudrey Alexander	418-1625	756
MMDS Staff		
Charles Dziedzic, Assistant Chief	418-1600	712
Sharon Bertelsen, Supv. Attorney	418-7057	600

WIRELESS TELECOMMUNICATIONS BUREAU

Michele Farquhar, Chief	418-0600	5002
Gerald P. Vaughan, Deputy Bureau Chief.	418-0600	5002
Ralph A. Haller, Deputy Bureau Chief	418-0600	5002
Rosalind Allen, Deputy Bureau Chief	418-0600	5002
Karen Brinkmann, Associate Bureau Chief	418-0600	5002

B. ENGINEER IN CHARGE OFFICES

ATLANTA REGION

Atlanta Office
Koger Center-Gwinnet Bldg.,
Suite 320
Duluth, GA 30136
(770) 279-4621

Tampa Office
2203 North Lois Avenue
Room 1215
Tampa, FL 33607-2356
Phone: (813) 348-1508

BOSTON REGION

Baltimore Office
Federal Building
31 Hopkins Plaza, Rm. 1017
Baltimore, MD 21201-2802
Phone: (301) 962-2728

Laurel Monitoring Station
Columbia, MD 21045
Phone: (301) 206-2896

Boston Office
1 Batterymarch Park
Quincy, MA 02169-7495
Phone: (617) 770-4023

New York Office
201 Varick Street
New York, NY 10014-4870
Phone: (212) 620-3437

Philadelphia Office
One Oxford Valley Office Bldg
2300 E. Lincoln Hwy, Rm. 404
Langhorne, PA 19047-1859
Phone: (215) 752-1324

CHICAGO REGION

Chicago Office
1550 Northwest Hwy, Rm. 306
Park Ridge, IL 60068-1460
Phone: (847) 298-5401
Engineer-in-Charge (Acting)
Willford Gray

Detroit Office
24897 Hathaway Street
Farmington Hills, MI 48335-1552
Phone: (810) 471-5924

KANSAS CITY REGION

Denver Office
165 S. Union Blvd., Ste. 860
Lakewood, CO 81224-2213
Phone: (303) 969-6497

Dallas Office
9330 LBJ Expressway, Rm 1170
Dallas, TX 75243-3429
Phone: (214) 235-3369

New Orleans Office
800 W. Commerce Rd., Rm 505
New Orleans, LA 70123-3333
Phone: (504) 589-2095

Kansas City Office
Brywood Office Tower, Rm 320
8800 East 63rd Street
Kansas City, MO 64133-4895
Phone: (816) 353-3773

Grand Island Field Office
Grand Island, NE 68802
Phone: (308) 382-4296

SAN FRANCISCO REGION

San Diego Office
Interstate Office Park
4542 Ruffner Street, Rm. 370
San Diego, CA 92111-2216
Phone: (619) 467-0549

San Francisco Office
3777 Depot Road, Room 420
Hayward, CA 94545-2756
Phone: (415) 732-9046

Los Angeles Office
Cerritos Corporate Tower
18000 Studebaker Rd, Rm 660
Cerritos, CA 90701-3684
Phone: (213) 809-2096

SEATTLE REGION

Seattle Office
11410 NE 122nd Way, Ste. 312
Bellevue, WA 98036-6927
Phone: (206) 821-9037

C. CONGRESS AND OTHER AGENCIES

All numbers are area code 202.

House of Representatives
Commerce Committee
2125 Rayburn Building
Washington, DC 20515
225-2927

United States Senate
Committee on Commerce,
Science & Transportation
508 Dirksen Senate Office Building
Washington, DC 20510
224-5115

OTHER LISTINGS OF INTEREST

Corporation for Public Broadcasting
901 E Street, N.W.
Washington, D.C. 20004
879-9600

Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530
514-2007

Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
219-7316
Wage and Hour Division
219-8305

Equal Employment Opportunity
Commission
1801 L Street, N.W.
Washington, D.C. 20507-0001
663-4900

Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460
260-2080

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
219-3420

Federal Trade Commission
Pennsylvania Ave. at 6th St., N.W.
Washington, D.C. 20580
326-2222

National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570
273-1991

National Telecommunications and
Information Administration
14th & Constitution Avenue, N.W.
Washington, D.C. 20230
482-2662

Occupational Safety & Health
Administration
100 Lafayette Center
1120 20th Street, N.W.
Washington, D.C. 20036
606-5398

Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591
267-3484

U.S. Copyright Office
Library of Congress
1st & Independence Avenue, S.E.
Washington, D.C. 20557
707-6800

U.S. Information Agency
301 4th Street, S.W.
Washington, DC 20547
619-4355

Voice of America
330 Independence Avenue, S.W.
Washington, D.C. 20547-0001
619-1088

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Beach Television Partners, 38 F.3d 535 (11th Cir. 1994) 141

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Capital Broadcasting Co. v. Mitchell, 333 F. Supp. 582 (D.C. Cir. 1971), aff'd 405 U.S. 1000 (1972) 137

Capital Cities Cable Inc. v. Crisp, 467 U.S. 691 (1984) 136

Caples Co. v. United States, 243 F.2d 232 (D.C. Cir. 1957) 98

Chandler v. Georgia Public Telecommuncations Commission, 917 F.2d 486 (11th Cir. 1990), cert. denied, 502 U.S. 816 (1991) 87, 222

Cohen v. Cowles Media Co., 501 U.S. 663 (1991) 121

Cox Broadcasting Corporation v. Cohn, 420 U.S. 469 (1975) 118

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Dunagin v. City of Oxford, 718 F.2d 738 (5th Cir. 1983), cert. denied 467 U.S. 1259 (1984) 136

Edenfield v. Fane, 113 S.Ct. 1792 (1993) 135

Edge Broadcasting Co. v. U.S., 732 F.Supp. 633, 646 (E.D. Va. 1990), rev 113 SCt. 2696 103

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FCC v. Pacifica Foundation, 438 U.S. 726 (1978) 90

Florida Bar v. Went For It, Inc., ___U.S. ___, 115 S.Ct. 2371 (1995) 135

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National Assn. for Better Broadcasting v. FCC, 902 F.2d 1009 (D.C. Cir. 1990) 76

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Office of Communications of the United Church of Christ v. FCC, 826 F.2d 101 (D.C. Cir. 1987) 155

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Philadephia Newspapers, Inc. v. Hepps, 475 U.S. 767 (1986) 115

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Tak Communications, Inc., 985 F.2d 916 (7th Cir. 1993) 141

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Town of Deerfield N.Y. v. FCC, 992 F.2d 420 (2d Cir. 1993) 241

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APPENDICES

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APPENDIX B - FILING FEE SCHEDULE

APPENDIX C - PUBLIC INSPECTION FILE GUIDE AND FCC ENFORCEMENT CHECKLISTS

APPENDIX D - LMA INTERPRETATIVE RULING

APPENDIX E - SAMPLE ISSUES/PROGRAM LIST

APPENDIX F - CERTIFICATE OF COMPLIANCE WITH ANNOUNCEMENT REQUIREMENTS

APPENDIX G - PAYOLA MEMORANDUM AND AFFIDAVIT

APPENDIX H - NEWS RELEASE REGARDING RELIGIOUS BROADCASTING

APPENDIX I - SCHEDULE OF REGULATORY FEES

APPENDIX J - SEXUAL HARASSMENT POLICY

APPENDIX K - UNATTENDED OPERATION RULES

APPENDIX L - EXPANDED AM ALLOTMENT PLAN

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APPENDIX P - COPYRIGHT REGISTRATION INFORMATION

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APPENDIX R - CABLE ROYALTY PAYMENTS

APPENDIX S - STORECASTING GUIDELINES

APPENDIX T - ROYALTY CLAIM FORM

APPENDIX A

FCC FORMS

NOTE: Some of these forms have been photo-reduced. Readers should not use photocopies of this volume for submitting applications or reports to the FCC.

Appendix of Forms

This list includes all forms relating to broadcast services. Only the most widely used forms are part of this Appendix.

FCC FORM#	Title	Current Edition Date
159	FCC Remittance Advice/Instructions/Advice (Continuation Sheet)	April 1994
301	Application For Construction Permit For Commercial Broadcast Station	April 1996
301-A	Application For Authority To Operate A Broadcast Station By Remote Control	September 1993
302-AM	Application For AM Broadcast Station License with Instructions	August 1995
302-FM	Application For FM Broadcast Station License with Instructions	February 1995
302-TV	Application For TV Broadcast Station License with Instructions	March 1996
303-S	Application For Renewal Of License For AM, FM, TV, Translator or LPTV Station with Instructions and TV Supplement	June 1995
307	Application For Extension of Broadcast Construction Permit Or To Replace Expired Construction Permit	April 1995
313	Application For Authorization In The Auxiliary Radio Broadcast Services with Instructions	April 1996
313-R	Application For Renewal Of Auxiliary Broadcast License (Short Form)	October 1989
314	Application For Consent To Assignment Of Broadcast Station Construction Permit Or License with Instructions	August 1995
315	Application For Consent To Transfer Of Control Of Corporation Holding Broadcast Station Construction Permit Or License with Instructions	August 1992

316	Application For Consent To Assignment Of Broadcast Station Construction Permit Or License Or Transfer Of Control Of Corporation Holding Broadcast Station Construction Permit Or License with Instructions	March 1994
323	Ownership Report with Instructions	November 1995
323-E	Ownership Report For Noncommercial Educational Broadcast Station	February 1995
330	Applications For Authorization To Construct New Or Make Changes In An Instructional Television Fixed And/Or Response Station(s), Or To Assign Or Transfer Such Station(s) with Instructions	August 1995
330-R	Application For Renewal Of Instructional Television Fixed Station And/Or Response Station(s) And Low Power Relay Station(s) License	July 1985
340	Application For Construction Permit For Noncommercial Educational Broadcast Station with Instructions	February 1992
345	Applications For Transfer Of Control Of A Corporate Licensee Or Permittee, Or Assignment Of License Or Permit, For An FM or TV Translator Station, Or A Low Power Television Station with Instructions	October 1987
346	Applications For Authority To Construct Or Make Changes In A Low Power TV, TV Translator Or TV Booster Station with Instructions	March 1996
347	Applications For A Low Power TV, TV Translator Or TV Booster Station License with Instructions	May 1996
349	Applications For Authority To Construct Or Make Changes In An FM Translator Or FM Booster Station with Instructions	December 1995
350	Application For An FM Translator Or FM Booster Station License with Instructions	April 1995
395-B	Broadcast Station Annual Employment Report	March 1993

396	Broadcast Equal Employment Opportunity Program (Filed with renewal application)	August 1994
396-A	Broadcast Equal Employment Opportunity Model Program Report	April 1994
398	Children's Television Programming Report	_____ 1996
854	Application for Antenna Structure Registration and Fact Sheet	June 1996
5072	Change In Official Mailing Address For Broadcast Station	February 1996

NOTE: Applications must be accompanied by the Anti-drug Abuse Certification which can be found at the beginning of this Appendix. Several new FCC Forms include the required certification.

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

[ ] Yes [ ] No

Name of Applicant	Signature
Date	Title

(RESERVED)

FEDERAL COMMUNICATIONS COMMISSION

FCC REMITTANCE ADVICE

Approved by OMB
3060-0589
Expires 2/28/97

PAGE NO. 1 OF _____

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER | Did you have a number prior to this? Enter it. | (2) TOTAL AMOUNT PAID (dollars and cents) $

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

(4) STREET ADDRESS LINE NO. 1

(5) STREET ADDRESS LINE NO. 2

(6) CITY | (7) STATE | (8) ZIP CODE

(9) DAYTIME TELEPHONE NUMBER (Include area code) | (10) COUNTRY CODE (if not U.S.A.)

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR | FCC USE ONLY

(12A) FCC CALL SIGN/OTHER ID | (13A) ZIP CODE | (14A) PAYMENT TYPE CODE | (15A) QUANTITY | (16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 $

(17A) FCC CODE 1 | (18A) FCC CODE 2

(19A) ADDRESS LINE NO. 1 | (20A) ADDRESS LINE NO. 2) | (21A) CITY/STATE OR COUNTRY CODE

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR | FCC USE ONLY

(12B) FCC CALL SIGN/OTHER ID | (13B) ZIP CODE | (14B) PAYMENT TYPE CODE | (15B) QUANTITY | (16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 $

(17B) FCC CODE 1 | (18B) FCC CODE 2

(19B) ADDRESS LINE NO. 1 | (20B) ADDRESS LINE NO. 2 | (21B) CITY/STATE OR COUNTRY CODE

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

☐ Mastercard ☐ Visa EXPIRATION DATE: Month Year

(23) **I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.** ☞

AUTHORIZED SIGNATURE DATE

See public burden estimate on reverse.

FCC FORM 159
April 1994

NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT

Section 9 of the Communications Act authorizes the FCC to request the information on this form. The information requested is required to recover costs incurred in carrying out its enforcement activities, policy and rulemaking activities, user information services, and international activities. The form will be used primarily to capture paper information in order to speed the refund process and maintain required accounts receivable information. It will also be used to collect fines and debts due the Commission.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, DC 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0589), Washington, DC 20503.

FEDERAL COMMUNICATIONS COMMISSION
INSTRUCTIONS FOR USING FCC FORM 159 (REMITTANCE ADVICE)
AND FCC FORM 159-C (Continuation Sheet)

FCC FORM 159 — FCC Remittance Advice Form

The FCC Form 159, "Remittance Advice" is a multi-purpose form that generally accompanies (see chart below for specific instructions) any payment to the Federal Communications Commission (e.g., Regulatory Fees, Processing Fees, Fines, Forfeitures, Freedom of Information Act (FOIA) Billings, or any other debt due to the FCC). The information on this form is collected to ensure credit for full payment, to expedite any refunds due and to service public inquiries.

What Form Do I File?

If you are:	Then:
Paying a Regulatory Fee to the Private Radio Bureau,	You **do not need** to submit FCC Remittance Advice, FCC Form 159. However, you must pay your regulatory fee along with your processing fee, at the time of renewal or at the time of original license application.
Paying a Processing Fee by money order or credit card to any FCC Bureau,	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee and paying for more than one action with a single payment,	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee for a service that does not require a specific FCC Form, (e.g. Request for Special Temporary Authority),	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee to the Private Radio Bureau for a service that requires FCC Form 155,	You must submit FCC Remittance Advice, FCC Form 159 instead of Form 155.
Paying a Regulatory Fee to any one of the Mass Media, Common Carrier or Cable Services Bureau,	You must submit FCC Remittance Advice, FCC Form 159.
Paying for Fines/Forfeitures, Freedom of Information Act Fees or any other debts.	All customers paying for any of these categories must submit a FCC Remittance Advice, FCC Form 159 and a copy of their notice or invoice to the appropriate lockbox. Please refer to the specific instructions accompanying your billing document.
Paying for an Auction,	You must submit FCC Remittance Advice, FCC Form 159. Consult the FCC's Public Notice for specific instructions.
Paying by wire transfer,	You must submit FCC Remittance Advice, FCC Form 159.
Paying by Western Union Quick Collect,	You must submit FCC Remittance Advice, FCC Form 159.

Specific Form Instructions

(1) **FCC Account No.** — This is a self-assigned personal identification number that consists of ten digits. You **must** use your taxpayer identification number (TIN) with a prefix of "0" (e.g., 0123456789). **Only if you do not have a TIN**, you may use your ten-digit telephone number (e.g., 3012224567). **There are no other options available to you to create your FCC Account No.** This number will eventually be all you will need to file an application with the FCC, so once you have determined your FCC account number you must be sure to use this same number every time you send a payment to the FCC.

(2) **Total Amount Paid** — Enter the total amount of your remittance.

(3) **Payor Name** — Enter the name of the person or company (i.e., maker of the check) responsible for payment. Enter an individual name (last, first, middle initial). If a company, enter the name which is used commercially. If paying by credit card, complete this section with the full name of the cardholder.

(4) **Street Address (Line 1)** — The street address or post office box number to which correspondence should be sent.

(5) **Street Address (Line 2)** — This line may be used if further identification of the address is required.

(6) **City** — The name of the city associated with the street address given in (4).

(7) **State** — If the payor has a United States mailing address enter the appropriate two-digit state abbreviation as prescribed by the U.S. Post Office. If the payor has a mailing address outside the United States, leave this section blank.

(8) **ZIP Code** — Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Post Office. If address is foreign, enter the appropriate ZIP (postal) code.

(9) **Daytime Telephone Number** — Enter the payor's ten-digit daytime telephone number, including area code. For foreign telephone numbers include the appropriate country dialing access code, as if you were calling from the United States. [For example a United Kingdom number would have the prefix (011-44) followed by the number within the UK.] This daytime telephone number should tell us where you can be reached during normal business hours if necessary. If we cannot reach you at this number during normal business hours to resolve a problem, your filing may be returned.

(10) **Country Code** — This section is for those payors who have an address outside the United States of America. Enter the appropriate code here. To obtain country code information contact the Mailing Requirements Dept. of the U.S. Postal Service.

Read this before proceeding — IT MAY SAVE YOU TIME

If the Applicant, Licensee, Regulatee or Debtor is the same as the Payor, it is not necessary to reenter your name and address in blocks 11, 13, 19, 20, & 21. However, you must complete all information in blocks 12, 14, 15, & 16. (FCC codes in blocks 17 & 18 will only be completed in special circumstances as described in a Public Notice or in your Fee Filing Guide).

(11) **Name of Applicant, Licensee, Regulatee or Debtor** — Enter the name (last, first, middle initial) as it appears on the original application or filing being submitted. If this is a company, enter name which is used commercially. Each unique applicant, licensee, regulatee or debtor must be listed separately if multiple applications or filings are submitted. If this name is the same as the payor, (block 3), it is not necessary to fill out this section.

(12) **FCC Call Sign/Other Identifier** — Enter an applicable call sign or unique FCC identifier, if any, as prescribed by the appropriate FCC Fee Filing Guide or Public Notice that applies to you.

(13) **ZIP Code** — It is not necessary to complete this section if the Payor, (block 3), is the same as the Applicant, Licensee, Regulatee or Debtor, (block 11). Enter the five or nine-digit ZIP code prescribed by the U.S. Post Office. If address is foreign, enter the appropriate country code here.

(14) **Payment Type Code** — This section tells us what you are paying for. Beginning with the first box, enter the correct 3 or 4 character alphabetic Payment Type Code. This code can be found in the FCC Fee Filing Guide or Public Notice appropriate to your payment. **Incorrect Payment Type Codes may result in your application or filing, if applicable, being returned to you without further processing**. You are allowed to file multiple actions. There are three ways "multiple actions" are defined. The following examples provide instructions on how multiple actions should be filed when using FCC Forms 159 & 159-C:

(i) If a single service allows for a quantity of more than one of the same action, as defined in the appropriate Fee Filing Guide or Public Notice, complete only blocks 12, 13, 14, 15 & 16. Only

nter your name and address if different than Payor Name" (block 3). Blocks 17 & 18 are only o be completed when required by Public Notice.

(ii) If you are filing concurrent actions (not the ame actions) in the same lockbox, on the same pplication, refer to the Fee Filing Guide or Pub- ic Notice for specific instructions as to the number f quantities allowed. Complete only blocks 12, 3, 14, 15, & 16. Complete a separate "Item nformation" section for each additional action equired. Only enter your name and address if lifferent than the "Payor Name" (block 3). Blocks 7 & 18 are only to be completed when required by ublic notice.

(iii) If a single Remittance Advice is used to pay for nore than one applicant, licensee, regulatee or debtor, nd action to the same lockbox, then a separate Item Information" section must be completed for ach one. For each "Item Information" section all locks must be completed, except Blocks 17 & 18 which are only to be completed when required by Public Notice. **Remember, if any of these applications fall into category (i) or (ii) above, you must follow those instructions as well.**

(15) **Quantity** — Enter the number of actions required with this submission. Refer to the FCC Fee Filing Guide or Public Notice for information concerning multiple requests.

(16) **Amount Due** — Enter the amount of the fee required for the Payment Type Code used in (14) above.

(17) **FCC Code 1** — This section is used for special filing codes as required by the Bureau/Office you are filing your application with. Applicant will receive specific instructions from the Bureau/ Office if this block is to be used. Do not complete this block unless instructed to do so.

(18) **FCC Code 2** — (See instructions for item 17).

(19, 20, 21) **Address** — If the same as Payor address, in blocks (4) and (5), leave blank. If multiple payment codes have been used for the same Applicant, Licensee, Regulatee or Debtor, only fill out this section one time. If different from Payor Address, in blocks (4) and (5), complete these lines with the appropriate street address.

(22) **Credit Card Data** — If remitting payment by credit card place an "x" in the appropriate block for the type of credit card being used — MasterCard or Visa only. Enter your credit card number and expiration date. **If any area required for credit card approval is incomplete, the application will be returned unprocessed.**

(23) **Authorized Signature** — Sign and date the Remittance Advice Form to authorize all credit card payments. **The action will not be processed if it is not signed and dated here.**

FCC Remittance Advice Continuation Sheet (FCC Form 159-C) — Use this form for any additional services pertaining to this filing.

Checks must be denominated in U.S. currency and deposited in a U.S. financial institution. No checks drawn on a foreign bank will be accepted.

Where Do I File?

If you are paying a:	Then:
Regulatory Fee or Processing Fee	Consult the specific FCC Bureau Fee Filing Guide (i.e., Common Carrier Bureau Fee Filing Guide, Private Radio Bureau Fee Filing Guide, Mass Media Bureau Fee Filing Guide, Cable Services Bureau Fee Filing Guide, Field Operations Bureau Fee Filing Guide, Office of Engineering and Technology Fee Filing Guide)
Fine or Forfeiture	Pay to the address designated on the notice or invoice you received
Freedom of Information Act Fee	Pay to the address designated on the invoice you received
Other Debts	Pay to the address designated in the correspondence you received

Note: Fee Filing Guides can be obtained by calling Forms Distribution — 202/632-FORM

EDERAL COMMUNICATIONS COMMISSION

Approved by OMB
3060-0589
Expires 2/28/97

ADVICE (CONTINUATION SHEET)

PAGE NO. _____ OF _____

ITEM #___ INFORMATION

CC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR		FCC USE ONLY	
CC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE $
CC CODE 1		FCC CODE 2		
DDRESS LINE NO. 1	ADDRESS LINE NO. 2)	CITY/STATE OR COUNTRY CODE		

ITEM #___ INFORMATION

CC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR		FCC USE ONLY	
CC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE $
CC CODE 1		FCC CODE 2		
DDRESS LINE NO. 1	ADDRESS LINE NO. 2)	CITY/STATE OR COUNTRY CODE		

ITEM #___ INFORMATION

FCC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR		FCC USE ONLY	
FCC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE $
FCC CODE 1		FCC CODE 2		
ADDRESS LINE NO. 1	ADDRESS LINE NO. 2)	CITY/STATE OR COUNTRY CODE		

ITEM #___ INFORMATION

FCC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR		FCC USE ONLY	
FCC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE $
FCC CODE 1		FCC CODE 2		
ADDRESS LINE NO. 1	ADDRESS LINE NO. 2)	CITY/STATE OR COUNTRY CODE		

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0027
Expires 8/31/98

INSTRUCTIONS FOR FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

GENERAL INSTRUCTIONS

A. This FCC form is to be used to apply for authority to construct a new commercial AM, FM or TV broadcast station or to make changes in the existing facilities of such a station. It consists of the following sections:

I.	General Information
II.	Legal Qualifications
III.	Financial Qualifications
IV-A.	Program Service Statement
IV-B.	Integration Statement
V.	Engineering Data and Antenna and Site Information
VI.	Equal Employment Opportunity Program
VII.	Certifications

An applicant for change in facilities need file only Sections I, V and VII. Do not file Sections II, III, IV-A, IV-B and VI. However, for **Radio Applicants Only**: If the change in facilities would implicate the radio ownership limitations of 47 Code of Federal Regulations (C.F.R.) Section 73.3555 because of other commonly owned, operated or controlled stations of the applicant, applicant must file Section II, Questions 7, 8 and 9.

B. Many References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with current broadcast rules in 47 C.F.R.:

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking and Lighting of Antenna Structure"
(4) Part 73 "Radio Broadcast Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order Desk at (202) 512-1800 for current prices.

C. Prepare an original and two copies of this form and all exhibits. This application with all required exhibits should be filed with the Federal Communications Commission in the manner and at the location specified in 47 C.F.R. Section 0.401.

D. Public Notice Requirements:

(1) 47 C.F.R. Section 73.3580 requires that applicants for construction permits for new broadcast stations and major changes in existing facilities (as defined in 47 C.F.R. Sections 73.3571(a)(1) (AM), 73.3572(a)(1) (television), or 73.3573(a)(1) (FM)) give local notice in a newspaper of general circulation in the community to which the station is licensed. This publication requirement also applies with respect to major amendments thereto as defined in 47 C.F.R. Sections 73.3571(b) (AM), 73.3572(b) (television), and 73.3573(b) (FM).

(2) Completion of publication may occur within 30 days before or after tendering of the application. Compliance or intent to comply with the public notice requirements must be **certified** in Section VII of this application. The information that must be contained in the notice of filing is described in Paragraph (f) of 47 C.F.R. Section 73.3580. Proof of publication need not be filed with this application.

E. A copy of this completed application and all related documents shall be made available for inspection by the public, pursuant to 47 C.F.R. Section 73.3526.

F. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. **Defective or incomplete applications will be returned without consideration.** Furthermore, inadvertently accepted applications are also subject to dismissal.

G. In accordance with 47 C.F.R. Section 1.65, the applicant has a **continuing obligation** to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

H. Amendments to previously filed applications should be prepared and submitted in triplicate (an original and two duplicate copies), signed in the same manner as the original application, and should contain the following information to identify the application being amended:

(1) Applicant's name.
(2) Service (AM, FM or TV).
(3) Call letters or specify new station.
(4) Channel number (FM or TV) or frequency (AM).
(5) Community of license.
(6) File number (if known) of application being amended.
(7) Date of filing of application (if file number not known).

INSTRUCTIONS FOR SECTION I - GENERAL INFORMATION

A. The name of the applicant stated in Section I shall be:

(1) If a corporation, the EXACT corporate name;
(2) If a partnership, the names of all general partners, and the name under which the partnership does business;
(3) If an association, the name of the individual(s) authorized to act on behalf of the association, and the name of the association;
(4) If an individual applicant, the full legal name.

In all other sections of this form, the organization name alone will be sufficient for identification of the applicant.

B. **FEES.** By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to construct a new AM, FM or TV broadcast station or to make a major change in the authorized facilities of such a station, are required to pay and submit a fee with the filing of FCC Form 301. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization, or subpart thereof, controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are noncommercial educational broadcast station licensees seeking authority to construct a broadcast station. See 47 C.F.R. Section 1.1113. To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in response to Question 2(B), Section I. FCC Form 301 applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 301 applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 301 should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtainable either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

Payment of any required fee can be made by check, bank draft, money order, or credit card. If paying by check, bank draft or money order, your remittance must be denominated in U.S. dollars, drawn upon a U.S. institution and made payable to the Federal Communications Commission. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159 (Remittance Advice), together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159. If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, Question 1, of FCC Form 301. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Form 301's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches to it a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide".

C. In Section I use only those state abbreviations approved by the U.S. Postal Service.

INSTRUCTIONS FOR SECTION II - LEGAL QUALIFICATIONS

A. As used in Section II, the words "party to this application" have the following meanings:

APPLICANT: The individual or entity seeking the proposed facilities.

INDIVIDUAL APPLICANT: The natural person applying for the facilities in his or her own right.

PARTNERSHIP APPLICANT: All partners, including limited partners. However, limited partners in a limited partnership are **not** considered parties to the application **IF** the limited partners are 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 Question 5(a), Section II. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership agreement:

(1) specifies that any exempt limited partner (if not a natural person, then 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 exempt limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;

(4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;

(5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party.

(6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and

(7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

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

CORPORATE APPLICANT: All officers and directors and each owner of or subscriber to stock accounting for 5% or more of the outstanding votes in the corporation. However, where an individual or a single entity holds more than 50% of the applicant's voting stock, and a simple majority is all that is required to control corporate affairs, other stockholders are not considered parties to this application.

Where a corporation is a party to this application by virtue of its ownership or subscription to 5% or more of the voting stock of the applicant, each of the corporate stockholder's directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application **UNLESS** the applicant submits a statement establishing that an individual director or officer will not exercise authority or influence in any areas that will affect the applicant or the proposed station. The applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain why that person should not be attributed an interest in the corporate applicant or considered a party to this application. In addition,a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application **ONLY IF** that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5% or more of the votes of the applicant. For example, where X owns or subscribes to stock accounting for 25% of the applicant's votes, only those stockholders of corporation X which hold stock accounting for 20% or more have a 5% indirect interest in the applicant (.25 x .20 = .05) and, therefore, are considered parties to this application. In applying the multiplier, any entity holding more than 50% of its subsidiary will be considered a 100% owner.

If any stockholder agreement exists pertaining to cooperative voting accounting for 5% or more of the votes, that block of stock is regarded as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a party to this application.

An investment company, insurance company or trust department of a bank is not considered a party to this application **IF** its aggregated holding accounts for less than 10% of the outstanding votes in the applicant **AND IF** the applicant certifies that:

(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: All executive officers, members of the governing board and owners or subscribers who hold 5% or more of the votes in the applicant.

B. As used in Section II, the words "non-party equity owners in the applicant" have the following meanings:

PARTNERSHIP APPLICANT: All holders of equity interests in the applicant that are not considered parties to the application, including all limited partners. In the event there are more than fifty (50) owners of equity interests in the applicant, only those who own 5% or more of the total equity in the applicant are considered non-party equity owners for purposes of Section II.

CORPORATE APPLICANT: All holders of equity interests in the applicant that are not considered parties to the application, including all nonvoting stockholders, stockholders with less than 5% voting stock interest and stockholders with less than a majority interest in voting stock where a single entity owns more than 50% of the voting stock. In the event that there are more than fifty (50) stockholders or owners of equity interests in the applicant, only those who own 5% or more of the total equity in the applicant are considered non-party equity owners for the purposes of Section II.

ANY OTHER APPLICANT: All holders of equity interests in the applicant that are not considered parties to the application.

C. 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 as should subject it to limitation by the Commission's multiple ownership rules. Parties to the application are holders of attributable interests. Non-party holders of equity interests in the applicant are holders of nonattributable interests. Although these holders of nonattributable interests are not considered parties to the application, certain Section II information must be provided for them. Moreover, they may have attributable interests in other media that are considered under the Commission's cross-interest policy which seeks to ensure the promotion and maintenance of arms' length competition between stations in the same area. For example, a limited partner in an applicant, which has made the above partnership certification, may have an attributable interests in a newspaper or broadcast station in the same area, or in a station with contours that overlap the applicant's proposed station, or in a cable television (CATV) system that is located within the Grade B contour of a proposed television station. See, generally, 47 C.F.R.Section 73.3555 and 76.501 as to the relevant contours. If so, the applicant is required:

(1) to identify the individuals or entities that have an attributable interest in another medium of mass communications in the area;
(2) to state the nature and extent of the interest in the applicant; and
(3) to identify the other medium and the nature and extent of the interest held.

D. All applicants must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the 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 corporation of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws of a foreign country. This proscription would likewise apply to any corporation directly or indirectly controlled by another corporation of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country.

Section 310 of the Communications Act has been interpreted, with respect to limited partnerships, to prohibit equity contributions or voting interests of alien limited partners, which in the aggregate exceed 20% in a broadcast licensee or which in the aggregate exceed 25% in a partnership which holds a controlling interest in a broadcast licensee. The interests held by aliens in a licensee through intervening domestically organized limited partnerships can be determined by multiplication of any intervening insulated interests in the manner set forth above with respect to corporate applicants, except that insulated limited partnership interests exceeding 50% may be multiplied rather than considered as a 100% interest. However, the multiplier is not used in calculating the limited partnership link in the ownership chain **UNLESS** the applicant is able to certify that the alien

partner is effectively insulated from active involvement in the partnership affairs. For example, see Instruction A. above.

The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

E. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 16, Section II, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purposes of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

INSTRUCTIONS FOR SECTION III - FINANCIAL QUALIFICATIONS

A. All applicants filing Form 301 must be financially qualified to effectuate their proposals. Certain applicants (i.e., for a new station, to reactivate a silent station, or if specifically requested by the Commission) must demonstrate their financial qualifications by filing Section III. DO NOT SUBMIT Section III if the application is for changes in operating or authorized facilities.

B. An applicant for a new station must attest it has sufficient net liquid assets on hand, or committed sources of funds to construct the proposed facility and operate for three months, without additional funds. In so certifying, the applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, donations, and capital investments. As used in Section III, "net liquid assets" means the lesser amount of the net current assets or of the liquid assets shown on a party's balance sheet, with net current assets being the excess of current assets over current liabilities.

C. Documentation supporting the certification of financial qualifications need not be submitted with this application but must be available to the Commission upon request. The Commission encourages that all financial statements used in the preparation of this application be prepared in accordance with generally accepted accounting principles.

D. (1)(a) The applicant must estimate the initial costs of constructing and operating the facility proposed in the application. The estimate for constructing the facility should include, but is not limited to, costs incurred for items listed below. In calculating costs for the items below, determine the costs for the items in place and ready for service, including amounts for labor, supervision, materials, supplies, and freight:

Antenna System (including antenna, antenna tower, transmission line, phasing equipment, phase system, coupling equipment and tower lighting);

RF Generating Equipment (including transmitter, tubes, filters, diplexer, remote control equipment, and automatic logger);

Monitoring and Test Equipment (including frequency monitor, modulation monitor, oscilloscope, dummy load, vectorscope, and video monitors);

Program Origination Equipment (including control consoles, film chains, cameras, audio tape equipment, video tape equipment, program and distribution amplifiers, limiters, and transcription equipment);

Acquiring Land;

Acquiring, Remodeling or Constructing Buildings;

Services (including legal, engineering, and installation costs); and

Other Miscellaneous Items (including mobile and STL equipment, non-technical studio furnishings, etc.).

(b) The estimate must also include the costs of operating the proposed facility for the first three months, including the costs of proposed programming, without relying on advertising or other revenues to meet operating costs. To arrive at an estimate of the total costs to be met by the applicant, the total construction costs should be added to the estimated cost of operation for three months.

(2) The applicant must also identify, in the application, its sources of funding for the construction and operation of the proposed facility for the first three months. For each source of funding, the applicant must identify the source's name, address, telephone number, a contact person if the source is an entity, the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by the source. The total amount of funds to be supplied by all the sources listed should equal or exceed the estimated cost of construction and operation computed in accordance with paragraph (1) and stated in the application in response to Question 2, Section III.

The funding sources listed on the application should include, if applicable: existing capital, new capital, loans from banks (identified separately), loans from others (identified separately), profits from existing operations, donations, and net deferred credit from equipment suppliers (identified separately and determined by deducting from the deferred credit the down payment, payments to principal, and interest payments). (NOTE: If the first equipment payment is due upon shipment, the applicant must include five monthly payments; if due in 30 days, four monthly payments; if due in 60 days, three monthly payments, etc.)

(3) The applicant must also have on hand, at the time it files its application, **BUT NEED NOT SUBMIT WITH THE APPLICATION**, the following documentation:

(a) For the applicant:

A detailed balance sheet at the close of a month within 90 days of the date of the application showing the applicant's financial position.

A statement showing the yearly net income, after Federal income tax, for each of the past two years, received by the applicant from any source.

(b) For each person identified in response to Question 3, Section III, who has **already** furnished funds, purchased stock, extended credit, or guaranteed loans:

A copy of the agreement obligating the party to furnish funds, showing the amount furnished, the rate of interest, the terms of repayment, and security, if any.

(c) For each person identified in response to Question 3, Section III, who has **agreed** to furnish funds, purchase stock, extend credit, or guarantee loans, a balance sheet or a financial statement showing:

All liabilities and current and liquid assets sufficient to meet current liabilities;

Financial ability to comply with the terms of the agreement to furnish funds, purchase stock, extend credit, or guarantee loans; and

Net income after Federal income tax, received for the past two years.

NOTE: If the statement does not indicate current and liquid assets sufficient to meet the proposed commitments, the financial statement must be supplemented by a statement showing how non-liquid assets will be used to provide the funds, and the extent to which such assets have liens or prior obligations against them.

(d) For financial institutions or equipment manufacturers, identified in response to Question 3, Section III, who have agreed to make a loan or extend credit:

The document by which the institution or manufacturer has agreed to provide the loan or credit, showing the amount of loan or credit, terms of payment or repayment of the loan, collateral or security required, rate of interest to be charged, and special requirements (e.g., moratorium on principal or interest, waiver of collateral, etc.); and

A statement from any parties required to provide special endorsements showing their willingness to provide such endorsements.

E. It is Commission policy not to approve extensions of time for construction on the basis of financial inability or unwillingness to construct.

INSTRUCTIONS FOR SECTION IV-A - PROGRAM SERVICE STATEMENT

Applicants need **only** file a program service statement called for in Section IV-A of this application. See Deregulation of Radio, 84 FCC 2d 968 (1981), reconsideration denied, 87 FCC 2d 797, and Commercial TV Stations, 98 FCC 2d 1076 (1984), reconsideration denied, 60 RR 2d 526 (1986).

INSTRUCTIONS FOR SECTION IV-B - INTEGRATION STATEMENT

The applicants integration statement must identify each principal who will participate in the management of the station, his or her position, duties and hours, and for each principal whether a qualitative credit will be claimed for minority status, past local residence, female status, broadcast experience or civic activity. Any claim for "daytimer" preference must also be stated. An applicant may include its integration statement in this application, but it must file its integration statement with the Commission by the amendment as-of-right date in FM proceedings, or the "B" cut-off date in AM and television proceedings. If an applicant fails to disclose its integration statement by the amendment as-of-right or "B" cut-off date, whichever is applicable, it will receive no credit for integration in the comparative hearing.

INSTRUCTIONS FOR SECTION V - ENGINEERING DATA AND ANTENNA AND SITE INFORMATION

A. An indication as to the specific transmitter make and model is not required on the application. Rather, any subsequent permit authorizing construction will require installation of a type accepted transmitter or one complying with the provisions of 47 C.F.R. Section 73.1660. Applicants for AM facilities are reminded of the maximum rated power limitations or transmitters imposed by 47 C.F.R. Section 73.1665.

B. Prior to January 4, 1982, parties submitting AM directional antenna patterns pursuant to 47 C.F.R. Section 73.150 and 73.152 (standard patterns and modified standard patterns) had to submit patterns which were tabulated and plotted using units of millivolts per meter at one mile. Beginning on January 4, 1982, such patterns must be tabulated and plotted using units of millivolts per meter at one kilometer. Applications which are amended should use the units in effect as of the day of submission of the amendment. Applications which were on file prior to January 4, 1982, need not be amended solely for the purpose of conversion to metric units. Applications which are submitted using the wrong units will be returned unless they are promptly amended to use the correct units.

C. Applicants filing the initial application in response to a Commission allotment to migrate to the AM expanded band need not file the material requested in A.(3), A.(4), B.(1)-B.(3), and C.(3)(a)-(e) of Question 15 of Section V-A since the assignment is based on the allotment method instead of the allocation method.

D. When applying for a FM construction permit, one of the submissions required by FCC Form 301, Section V-B, is a 7.5 minute series U.S. Geological Survey topographic quadrangle map upon which is marked the transmitter site. The Commission recommends that applicants submit at least one original copy of each appropriate full-scale USGS quadrangle map, if available, with the transmitter site properly marked and labeled.

In order to allow the Commission's processing staff to verify the correctness of the geographic coordinates provided in an FM application, it is necessary for this site map to show along the printed margin of both axes at least two coordinate markings, specifically labeled by the USGS, one on either side of the marked site. Additionally, a scale of kilometers (if available) or miles and all of the identifying map information must be included. The site should be plotted on a full scale map, and all of the contour lines must be clearly visible. Faded, smudged or otherwise illegible maps are unacceptable. Photocopies are acceptable in lieu of actual USGS maps, provided they are clear, dark and legible. It is not necessary to submit an entire map (although this is perfectly acceptable), but only as much as is necessary to fully comply with the requirements described above.

In certain cases it may be inconvenient to provide a full scale photocopy which includes both the site and the margins. This can occur when the site lies toward the center of the map. In this case the following alternative is acceptable. Provide a full scale copy of the section of the map containing the site. This copy must include either four of the standard printed cross-marks or one margin and two cross-marks. Fine lines should be drawn between the marks in such a fashion as to enclose the site. Each of these lines should be labeled with the appropriate latitude or longitude. This full scale map section must include all the information specified in the previous paragraph. In addition, a reduced copy of the entire map must be included to allow the Commission's staff to verify that the lines have been correctly labeled.

E. The latitude and longitude coordinates for all points in the United States are based upon the 1927 North American Datum (NAD 27). The National Geodetic Survey is in the process of replacing NAD 27 with the more accurate 1983 North American Datum (NAD 83) and updating current topographic maps with NAD 83 datum. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum. To prevent intermixing of data using two different datums, however, the Commission announced that until further notice, applicants are to furnish coordinates based on NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations. In addition, applicants who have already filed applications with coordinates that reflect NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, entitled "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988). Accordingly, in furnishing the information

called for in Section V (e.g., V-A (AM), #4, V-B (FM), #2, V-C (TV), #2), NAD 27 datum should be used.

F. The following guidance is provided for the questions regarding environmental impact (V-A (AM), #14, V-B (FM), #20, V-C (TV), #20):

(1) Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communication facility(ies) may have a significant environmental impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

(a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

(b) A facility whose construction will involve significant change in surface features.

(c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

(d) The facilities or their operation will cause exposure of workers or the general public to levels of radio frequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels With Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95. 1-1982), by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017. NOTE: This paragraph applies also to FM booster and translator stations transmitting with an ERP in excess of 100 watts. See 47 C.F.R. Section 1.1307(b), Note 1.

(2) If you answer Yes, submit the required Environmental Assessment ("EA"). Include in the EA the following information, for antenna towers:

(a) 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 lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(b) A statement regarding the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental impact.

(c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(d) A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.

(3) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

(4) The EA shall also be accompanied with evidence of site approval, as obtained from local or federal land use authorities.

(5) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA. However, adequate cross-reference to such information shall be supplied.

(6) An EA does not need to be submitted to the Commission if another agency of the Federal Government has assumed responsibility (a) for

determining whether the facilities in question will have a significant effect on the quality of the human environment, and (b) for invoking the environmental impact statement process if it will affect the environment.

INSTRUCTIONS FOR SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

A. Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license 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, national origin or sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). This is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed as part of the application. If minority group representation in the available labor force is less that five percent (in the aggregate), a program for minority group members is not required. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed.

B. Guidelines for developing an Equal Employment Opportunity program are set forth in FCC Form 396-A.

NOTE: This five-point Broadcast Equal Employment Opportunity Model Program Report (FCC Form 396-A) is to be utilized only by applicants for new construction permits and by assignees and transferees.

INSTRUCTIONS FOR SECTION VII - CERTIFICATIONS

A. Applicants for a new AM, FM or TV broadcast stations or for a major modification of the authorized facilities of such stations (as defined in 47 C.F.R. Sections 73.3571(a), 73.3573(a), or 73.3572(a), respectively) are required to give public notice of the filing of their applications by publication in a local newspaper and/or by broadcast announcements in accordance with 47 C.F.R.Section 73.3580.

B. An applicant need not have a binding agreement or absolute assurance of the availability of the transmitter site it proposes to utilize. However, the applicant must be able to show that it has obtained reasonable assurance that the proposed site is available to it. The Commission's requirements will be satisfied where an applicant has contacted the property owner or the owner's representative and has obtained reasonable assurance, in good faith, that the proposed site will be available for the intended purpose.

C. The original of this application form must be signed by the applicant. The required copies can be conformed. See 47 C.F.R. Section 73.3513.

NOTE: Certification of site availability is required only in applications for authority to construct a new station or to change the site of an existing facility.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on this form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's Rules. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to vary from 72 hours 40 minutes to 347 hours 25 minutes with an average of 213 hours and 32 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0027), Washington, D.C. 20554. DO NOT send completed forms to this address. FCC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0027
Expires 06/30/98

FOR FCC USE ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - GENERAL INFORMATION

1. APPLICANT NAME (Last, First, Middle Initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1113) and go to Question 3.

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)			$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)			$	

	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	$	

Section I - GENERAL INFORMATION (Page 2)

3. This application is for: (check one box) ☐ AM ☐ FM ☐ TV

(b) Channel No. or Frequency

(b) Principal Community	City	State

(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit; call sign: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit; call sign: _____

☐ AMENDMENT to pending application: Application File Number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application? ☐ Yes ☐ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

2. Applicant is: (check one box below)

☐ Individual ☐ General partnership ☐ For-profit corporation

☐ Other ☐ Limited partnership ☐ Not-for-profit corporation

3. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the applicant. Exhibit No.

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

4. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date _____ Place _____

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

5. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3, above, relating to future ownership interests in the applicant, including but not limited to, stock pledges or other forms of security, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, warrants, or debentures? ☐ Yes ☐ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement. Exhibit No.

6. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. ☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant? ☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interests exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant. ☐ Yes ☐ No

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

a.			
b.			
c.			
d.			
e.			
f.			
g.			
h.			

Section II - LEGAL QUALIFICATIONS (Page 3)

ONLY RADIO APPLICANTS NEED RESPOND TO QUESTIONS 7, 8 AND 9.

7. Does the applicant or any party to the application, own, or have an attributable interest in: (a) any AM, FM or TV station; or (b) in a daily newspaper in the same market(s) as the station(s) being proposed? ☐ Yes ☐ No

8. Does the applicant, or any party to the application, broker more than 15 percent of the broadcast hours per week of any AM or FM station in a market in which the applicant, or party to the application, has an attributable interest in any AM or FM station? See 47 C.F.R. Section 73.3555(a) for definition of "radio market." ☐ Yes ☐ No

   If the answer to 7 or 8 is Yes, set forth in an Exhibit, name of party having interest; nature of the interest; call letters and location of stations involved; and identification of newspaper, where applicable. Exhibit No.

9. Does the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) or any AM or FM station being proposed overlap the principal community service contour of:

   (a) an AM or FM station which is directly or indirectly owned, operated or controlled by the applicant or any party to the application; or ☐ Yes ☐ No

   (b) an AM or FM station at which more than 15 percent of the broadcast time per week is brokered by the applicant or any party to the application? ☐ Yes ☐ No

   If the answer to (a) or (b) is Yes, do you certify that the ownership interests which will result from grant of the application(s) comply with 47 C.F.R. Section 73.3555(a), or that appropriate waivers of that section are herein sought? ☐ Yes ☐ No

   If Yes, attach a separate Exhibit containing the market and audience information necessary to demonstrate compliance. Exhibit No.

   NOTE: With reference to the Radio Contour Overlap Rule of 47 C.F.R. Section 73.3555(a), the applicant's Exhibit must include: (i) a map that clearly identifies, by relevant contours, the location and geographic coverage of the market or markets involved; (ii) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; (iii) for markets with 15 or more commercial radio stations, a combined audience share figure, the basis and/or source material for this figure, and the results and qualification of any commissioned audience survey or alternative showing used; and (iv) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

10. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1506-1705 (kHz)) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein? ☐ Yes ☐ No

    If Yes, provide particulars as an Exhibit. Exhibit No.

11. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

    (a) a broadcast station, or pending broadcast station application before the Commission? ☐ Yes ☐ No

    (b) a broadcast application which has been dismissed with prejudice by the Commission? ☐ Yes ☐ No

    (c) a broadcast application which has been denied by the Commission? ☐ Yes ☐ No

    (d) a broadcast station, the license of which has been revoked? ☐ Yes ☐ No

    (e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☐ No

    If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information: Exhibit No.

    (1) Name of party having interest;
    (2) Nature of interest or connection, giving dates;
    (3) Call letters of stations or file number of application or docket; and
    (4) Location.

12. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other? ☐ Yes ☐ No

    (b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))? ☐ Yes ☐ No

    If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station. Exhibit No.

13. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application. Exhibit No.

OTHER MASS MEDIA INTERESTS

14. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction C to Section II.) ☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an INDIVIDUAL holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))? ☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station. Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

15. (a) Is the applicant in compliance with of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction D to Section II.) ☐ Yes ☐ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents? ☐ Yes ☐ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance. Exhibit No.

16. Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, in a civil or criminal proceeding brought under the provisions of any law related to the following: ☐ Yes ☐ No

Any felony; mass media related antitrust or unfair competition; fradulent statements to another governmental unit; or discrimination?

If the answer is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding was based or the nature of the offense committed, and a description of the disposition of the matter. Exhibit No.

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this Section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. ☐ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. $ _____

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount

SECTION IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.

SECTION IV-B - INTEGRATION STATEMENT

Exhibit No.

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis, proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.

2. State with respect to each principal identified in response to Item 1. above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

   (a) Minority Status
   (b) Past Local Residence
   If Yes, specify whether in the community of license or service area and the corresponding dates.
   (c) Female Status
   (d) Broadcast Experience
   If Yes, list each employer and state the position and corresponding dates.
   (e) Daytime Preference
   (f) Civic Activities
   If Yes, describe the activities, specify whether in the community of license or service area, and state the corresponding dates.

SECTION V-A - AM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ SSB Referral Date _____ Referred By _____

Name of Applicant

1. Purpose of Application: (check all appropriate boxes)

☐ Construct new station

☐ Make changes in authorized/existing station Call Sign _____

- ☐ Principal authorized/licensed community
- ☐ Frequency
- ☐ Power
- ☐ Main studio location
- ☐ Hours of operation
- ☐ Transmitter location
- ☐ Filed in compliance with an Allotment Plan to migrate to the expanded band

  Allotment Number _____
- ☐ Antenna system (including increase in height by addition of FM or TV antenna)
  - ☐ New antenna construction
  - ☐ Alteration of existing structure
    - ☐ Increase height
    - ☐ Decrease height
    - ☐ Non-DA to DA
    - ☐ DA to Non-DA

☐ Other (Summarize briefly the nature of the changes proposed)

2. Principal community to be served:

State	County	City or Town

3. Facilities requested:

Frequency: _____ kHz Hours of Operation: _____

Power: Night: _____ kW Day: _____ kW Critical Hours: _____

Class of Station (A, B, C or D) _____ ☐ Stereo ☐ Monaural

4. Transmitter location:

State	County	City or Town

Exact antenna location (street address). If outside city limits, give name of nearest town and distance (in kilometers), and direction of antenna from town.

Geographical coordinates (to nearest second). For directional antenna give coordinates of center of array. For single vertical radiator give tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed. (The Commission requires coordinates based on NAD 27.)

Latitude o ' "	Longitude o ' "

Section V-A - AM BROADCAST ENGINEERING DATA (Page 2)

5. Is the proposed site the same transmitter-antenna site of other stations authorized by the Commission, or specified in another application pending before the Commission? ☐ Yes ☐ No

If Yes, indicate call sign or application file number: _____

6. Antenna system (including ground or counterpoise system)

Non-Directional ☐ Day ☐ Night ☐ Critical Hours

Estimated efficiency _____ mV/m per kW at one kilometer

If antenna is either top loaded or sectionalized, describe fully in an Exhibit. (Include apparent electrical height.) Exhibit No.

Directional ☐ Day only (DA-D) ☐ Night only (DA-N)

☐ Same constants and power day and night (DA-1)

☐ Different constants and/or power day and night (DA-2)

☐ Different constants and/or power day, critical hours and night (DA-3)

Submit complete engineering data in accordance with 47 C.F.R. Section 73.150 for each Directional antenna pattern proposed.

Non-Directional/Directional

If antenna(s) is/are either top loaded or sectionalized, describe fully in an Exhibit. (Include apparent electrical height.) Exhibit No.

Type of feed circuits (excitation) ☐ Series Feed ☐ Shunt Feed

☐ Folded Unipole ☐ Other (explain)

TOWERS (in meters, rounded to nearest tenth of a meter)	1	2	3	4	5	6
Overall height of radiator above base insulator,or above base, if grounded						
Overall height above ground (without obstruction lighting)						
Overall height above ground (include obstruction lighting)						
Overall height above mean sea level (include obstruction lighting)						

If additional towers, attach information exactly as it appears above.

7. Has the FAA been notified of the proposed construction? ☐ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Exhibit No.

Date _____ Office where filed _____

8. List all landing areas within 8 kilometers of antenna site. Give distances and direction to the nearest boundary of each landing area from the antenna site.

	Landing Area	Distance (km)	Direction
(a)			
(b)			
(c)			

9. Attach as an Exhibit a description and vertical plan sketch (including supporting buildings, if any) of the proposed structure, giving heights above ground, in meters, for all significant features. Clearly indicate existing portions, noting lighting, and distinguishing between the skeletal or other main supporting structure and the antenna elements. If a directional antenna, give spacing and orientation of towers. Exhibit No.

If not fully described above, attach as an Exhibit further details and dimensions, including any other antennas mounted on tower and associated isolation circuits. Exhibit No.

Attach as an Exhibit a plat of the transmitter site clearly showing boundary lines, roads, railroads, other obstructions, and the ground system or counterpoise. Show number and dimensions of ground radials or, if a counterpoise is used, show heights and dimensions. Exhibit No.

10. Will the main studio be located within the station's principal community contour as defined by 47 C.F.R. Section 73.24(i)? ☐ Yes ☐ No

If No, attach as an Exhibit a justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

11. Is there a remote control location or is one to be established in accordance with 47 C.F.R. Section 73.1400? ☐ Yes ☐ No

If Yes, submit the following:

State	County	City or Town
Street Address (or other identification)		

12. Attach as an Exhibit 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 locations of the proposed 1000 mV/m contour for both 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 can be clearly shown. Exhibit No.

13. Is the population within the 1 V/m (1000 mV/m) contour less than 300 persons or less than 1.0 percent of the population within the 25 mV/m contour? ☐ Yes ☐ No

If No, attach as an Exhibit a justification pursuant to 47 C.F.R. Section 73.24(g). Exhibit No.

14. Environmental Statement. (See 47 C.F.R. Section 1.1301 et seq.)

(a) Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute? ☐ Yes ☐ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311. Exhibit No.

If No, explain briefly why not.

(b) Distance from tower(s) to the nearest point of the fence enclosing the tower(s) in meters. _____ Meters

Section V-A - AM BROADCAST ENGINEERING DATA (Page 4)

15. Allocation Studies

A. Daytime (for assistance, see 47 C.F.R. Section 73.37)

(1) For daytime operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000, 5, 2 and 0.5 (0.1, if Class A station) daytime contours in mV/m for both existing and proposed operations. On the map(s) showing the 5 mV/m contours CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED. Exhibit No.

(2) Does the daytime 5 mV/m contour encompass the legal boundaries of the principal community to be served? ☐ Yes ☐ No

If No, attach as an Exhibit a justification for waiver of 47 C.F.R. Section 73.24(i). Exhibit No.

(3) For daytime operation, for stations on a frequency between 535 kHz and 1605 kHz, attach as an Exhibit an allocation study utilizing Figure M-3 (Figure R-3, 47 C.F.R. Section 73.190) or an accurate full scale reproduction thereof and using pertinent field strength measurement data where available, a full scale Exhibit of the entire pertinent area to show the following: Exhibit No.

(a) Normally protected and the interfering contours for the proposed operation along all azimuths.

(b) Normally protected and interfering contours of existing stations and other proposed stations in pertinent areas with which prohibited overlap would result as well as those existing stations and other proposals which require study to clearly show absence of prohibited overlap. If prohibited overlap were to occur as a result of the proposal, appropriate justification for waiver of 47 C.F.R. Section 73.37 is to be included.

(c) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers, and operating or proposed facilities.

(d) Properly labeled longitude and latitude degree lines, shown across entire Exhibit.

(4) For daytime operation, attach as an Exhibit a tabulation of the following: Exhibit No.

(a) Azimuths along which the groundwave contours were calculated for all stations or proposals shown on allocation study exhibits required by (3)(a).

(b) Inverse distance field strength used along each azimuth.

(c) Basis for ground conductivity utilized along each azimuth specified in (4)(a). If field strength measurements are used, submit copies of the analyzed measurements. If measurement data are taken from Commission records identify the source of the measurements in the Commission's files.

(d) Calculated distances.

B. Critical Hours (If applicable, see 47 C.F.R. Section 73.187)

(1) For critical hour operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000, 5 and 0.5 critical hours contours in mV/m for both existing and proposed operations. On the map(s) showing the 5 mV/m contours CLEARLY INDICATE THE LEGAL BOUNDAIRES OF THE PRINCIPAL COMMUNITY TO BE SERVED. Exhibit No.

(2) Does the critical hours 5 mV/m contour encompass the legal boundaries of the principal community to be served? ☐ Yes ☐ No

If No, attach as an Exhibit justification for waiver of 47 C.F.R. Section 73.24(i). Exhibit No.

(3) For critical hour operation, attach as an Exhibit an allocation study utilizing Figure M-3 (Figure R-3, 47 C.F.R. Section 73.190) or an accurate full scale reproduction thereof and using pertinent field strength measurement data where available, a full scale Exhibit of the entire pertinent area to show the following: The 0.1 mV/m groundwave contour pertinent arcs of Class A stations and appropriate studies to establish compliance with 47 C.F.R. Section 73.187 where operation is proposed on a U.S. Class A channel. Exhibit No.

C. Nighttime (for assistance, see 47 C.F.R. Section 73.182)

(1) For nighttime operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000 mV/m and coverage contours (appropriate minimum protected value for proposed class of station, or RSS nighttime interference-free contour, whichever is the greater value) for both existing and proposed operations. On the map(s) showing the interference-free contours CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED.

Exhibit No.

(2) Does the nighttime 5 mV/m or nighttime interference-free contour (whichever is higher) encompass 80% of the principal community to be served (50% for expanded band 1605-1705 kHz stations)?

☐ Yes ☐ No

If No, attach as an Exhibit a justification for waiver of, or exemption pursuant to 47 C.F.R. Section 73.24(i).

Exhibit No.

(3) For nighttime operation, for stations on a frequency between 535 kHz and 1605 kHz, attach as an Exhibit allocation data including the following:

Exhibit No.

(a) Proposed nighttime limitation to other existing or proposed stations with which objectionable interference could result, as well as those other proposals and existing stations which require study to show clearly absence of objectionable interference.

(b) All existing or proposed nighttime limitations which enter into the nigthtime RSS limitation of each of the existing or proposed facilities investigated under (3)(a) above.

(c) All existing or proposed limitations which contribute to the RSS nighttime limitation of the proposed operation, together with those limitations which must be studied before being excluded.

(d) A detailed interference study plotted upon an appropriate scale map if a question exists with respect to nighttime interference to other existing or proposed facilities along bearing other than on a direct line toward the facility considered. (Clipping study)

(e) The detailed basis for each nighttime limitation calculated under (3)(a), (b), (c) and (d) above.

16. Attach as an Exhibit a map (7.5 minute U.S. Geological Survey topographic quadrangles, if available) of the proposed antenna location showing the following information:

Exhibit No.

A. Proposed transmitter location accurately plotted with the latitude and longitude lines clearly marked and showing a scale in kilometers.

B. Heights of buildings or other structures and terrain elevations in the vicinity of the antenna, indicating the location thereof.

C. Transmitter location and call signs of non-broadcast radio stations (except amateur and citizens band), established commercial and government receiving stations within three (3) kilometers which may be adversely affected by the proposed operation.

D. Transmitter location and call letters of all AM, FM and TV broadcast stations within three (3) kilometers of the proposed antenna location.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
Signature	Address (include ZIP Code)
Date	Telephone No. (include Area Code)

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees? ☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? ☐ Yes ☐ No

   If No, attach as an Exhibit, a full explanation. Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

   Name of person contacted: _____

   Telephone No. (include area code): _____

   Person contacted: (check one box below:

   ☐ Owner ☐ Owner's Agent ☐ Other (specify)

4. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section. 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature
Title	Date
Typed or Printed Name of Person Signing	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ SSB Referral Date _____ Referred By _____

Name of Applicant

Call Letters (if issued)	Is this application being filed in response to a window? ☐ Yes ☐ No If Yes, specify closing date: _____

Purpose of Application: (check appropriate boxes)

- ☐ Construct a new (main) facility
- ☐ Construct a new auxiliary facility
- ☐ Modify existing construction permit for main facility
- ☐ Modify existing construction permit for auxiliary facility
- ☐ Modify licensed main facility
- ☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- ☐ Antenna supporting structure height
- ☐ Effective radiated power
- ☐ Antenna height above average terrain
- ☐ Frequency
- ☐ Antenna location
- ☐ Class
- ☐ Main Studio location
- ☐ One-Step processing
- ☐ Directional Antenna
- ☐ Other(summarize)

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	County	City or Town	State

Class (check only one box below)
☐ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.
   (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

   (b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed. (The Commission requires coordinates based on NAD 27.)

Latitude o ' "	Longitude o ' "

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☐ No

   If Yes, give call letter(s) or file number(s) or both. _____

   If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

Section V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates? ☐ Yes ☐ No
If Yes, list old coordinates.

Latitude o ' "	Longitude o ' "

5. Has the FAA been notified of the proposed construction? ☐ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Exhibit No.

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)			
(b)			

7. (a) Elevation (to the nearest meter)

(1) of site above mean sea level; _____ meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)]. _____ meters

(b) Height of radiation center: (to the nearest meter) H = Horizontal; V = Vertical

(1) above ground; _____ meters (H)

_____ meters (V)

(2) above mean sea level [(a)(1) + (b)(1)]; and _____ meters (H)

_____ meters (V)

(3) above average terrain. _____ meters (H)

_____ meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labeling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional array element, specify heights and orientations of all array towers, as well as location of FM radiator. Exhibit No.

9. Effective Radiated Power:

(a) ERP in the horizontal plane _____ kw (H*) _____ kw (V*)

Is beam tilt proposed? ☐ Yes ☐ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevation plot of radiated field. Exhibit No.

_____ kw (H*) _____ kw (V*)

*Polarization

Section V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Does this proposal modify a new unbuilt construction permit for an unbuilt, unlicensed facility? ☐ Yes ☐ No

If Yes, submit an Exhibit demonstrating compliance with 47 C.F.R. Section 73.3535 that includes a certification that construction will commence immediately upon grant of the construction permit application. Exhibit No.

11. Is a directional antenna proposed? ☐ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s), and tabulations of the relative field. Exhibit No.

12. Will the proposed facility satisfy the requirements of 47 C.F.R. Section 73.315(a) and (b)? ☐ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service. Exhibit No.

13. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal? ☐ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

14. Is this application being filed as a One-step proposal pursuant to the Report & Order in MM Docket 92-159, 8 FCC 2d 4735 (released July 13, 1993)? ☐ Yes ☐ No

If Yes, list the proposed allotment site coordintes to the nearest second below and attach an Exhibit demonstrating that the proposed allotment site is in compliance with the allotment standards. The Exhibit must contain: (1) an allotment site map that complies with the requirements of the April 5, 1985, Public Notice, Mimeo 3693, or a statement that the allotment site will be located on an existing tower; (2) a city coverage map, showing the allotment site is in compliance with 47 C.F.R. Section 73.315; (3) a showing demonstrating that the allotment site meets the minimum distance separation requirements of 47 C.F.R. Section 73.207; and (4) a statement that the proposed allotment site is suitable for tower constrruction. Exhibit No.

The coordinates for the proposed allotment site are:

Latitude o ' "	Longitude o ' "

15. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207? ☐ Yes ☐ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply? ☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers. Exhibit No.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose. Exhibit No.

(e) Is authorization pursuant to 47 C.F.R. Section 73.215 requested? ☐ Yes ☐ No

If the answer to (e) is Yes, attach as an Exhibit a complete engineering study demonstrating compliance with the minimum spacing requirements of 47 C.F.R. Section 73.215(e) and lack of prohibited overlap with the affected stations. The engineering study must include the following: Exhibit No.

(1) Protected and interfering contours, in all directions (360°), for the proposed operation.
(2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
(4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
(5) The official title(s) of the map(s) used in the Exhibit(s).

16. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band and amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference? ☐ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.) Exhibit No.

17. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers. Exhibit No.

18. Attach as an Exhibit (name the source) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers: Exhibit No.

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 3.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

19. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area _____ sq. km. Population _____

20. For an application involving an auxiliary facility only, attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers: Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

Section V-B - FM BROADCAST ENGINEERING DATA (Page 5)

21. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313)

Source of terrain data: (check only one box below)

☐ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: _____)

☐ Linearly interpolated 3-second database ☐ Other (summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
*			
0			
45			
90			
135			
180			
225			
270			
315			

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

22. Environmental Statement. (See 47 C.F.R. Section 1.1301 et seq.)
Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute? ☐ Yes ☐ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311. Exhibit No.

If No, explain briefly why not.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
Signature	Address (include ZIP Code)
Date	Telephone No. (include Area Code)

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees? ☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? ☐ Yes ☐ No

   If No, attach as an Exhibit, a full explanation. Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

   Name of person contacted: _____

   Telephone No. (include area code): _____

   Person contacted: (check one box below:

   ☐ Owner ☐ Owner's Agent ☐ Other (specify)

4. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section. 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature
Title	Date
Typed or Printed Name of Person Signing	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION V-C - TV BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ SSB Referral Date _____ Referred By _____
Name of Applicant	Call Letters (if issued)

Purpose of Application: (check appropriate boxes)

- ☐ Construct a new (main) facility
- ☐ Construct a new auxiliary facility
- ☐ Modify existing construction permit for main facility
- ☐ Modify existing construction permit for auxiliary facility
- ☐ Modify licensed main facility
- ☐ Modify licensed auxiliary facility

If purpose is to modify, indicate the nature of change(s) by checking appropriate box(es) and specify the file number(s) of the authorizations affected.

- ☐ Antenna supporting structure height
- ☐ Effective radiated power
- ☐ Antenna height above average terrain
- ☐ Frequency
- ☐ Antenna location
- ☐ Antenna system
- ☐ Main Studio location
- ☐ Other (summarize)

File Number(s) _____

1. Allocation:

Channel No. _____

Offset (check one)
- ☐ Plus
- ☐ Minus
- ☐ Zero

Principal community to be served:		
County	City or Town	State

Zone (check one)
- ☐ I
- ☐ II
- ☐ III

2. Exact location of antenna.
   (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

   (b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed. (The Commission requires coordinates based on NAD 27.)

Latitude o ' "	Longitude o ' "

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☐ No

   If Yes, give call letter(s) or file number(s) or both. _____

   If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

Section V-B - TV BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates? ☐ Yes ☐ No
If Yes, list old coordinates.

Latitude o ' "	Longitude o "

5. Has the FAA been notified of the proposed construction? ☐ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Exhibit No.

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)			
(b)			

7. (a) Elevation (to the nearest meter)

(1) of site above mean sea level; _____ meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)]. _____ meters

(b) Height of antenna radiation center: (to the nearest meter)

(1) above ground; _____ meters

(2) above mean sea level [(a)(1) + (b)(1)]; and _____ meters

(3) above average terrain. _____ meters

8. Attach as an Exhibit sketch(es) of the supporting structure, labeling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional array element, specify heights and orientations of all array towers, as well as location of FM radiator. Exhibit No.

9. Maximum visual effective radiated power: _____ kw

Section V-C - TV BROADCAST ENGINEERING DATA (Page 3)

10. Antenna

(a) Manufacturer _____ (b) Model No. _____

(c) Is a directional antenna proposed? ☐ Yes ☐ No

If Yes, specify major lobe azimuth(s) _____ degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

(d) Is electrical beam tilt proposed? ☐ Yes ☐ No

If Yes, specify _____ degrees electrical beam tilt and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

(e) Is mechanical beam tilt proposed? ☐ Yes ☐ No

If Yes, specify _____ degrees mechanical beam tilt toward azimuth _____degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

(f) The proposed antenna is: (check only one box)

☐ Horizontally polarized ☐ Circularly polarized ☐ Elliptically polarized

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.685(a) and (b)? ☐ Yes ☐ No

If No, attach as an Exhibit justification therefor, including amounts and percentages of population and area that will not receive City Grade service. Exhibit No.

12. Will the main studio be located within the station's predicted principal community contour as defined by 47 C.F.R. Section 73.685(a)? ☐ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

13. Does the proposed facility satisfy the requirement of 47 C.F.R. Section 73.610? ☐ Yes ☐ No

If No, attach as an Exhibit justification therefor, including a summary of any previously granted waivers. Exhibit No.

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters; or (b) in the general vicinity, any nonbroadcast (except citizens band or amateur) radio stations or any established commercial or government receiving stations? ☐ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by intermodulation) to facilities in existence or authorized prior to grant of this application. (See 47 C.F.R. Sections 73.685(d) and (g).) Exhibit No.

15. Attach as an Exhibit a topographic map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the provisions of 47 C.F.R. Section 73.684(g). The map must further display clearly and legibly the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers. Exhibit No.

Section V-C - TV BROADCAST ENGINEERING DATA (Page 4)

16. Attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;
(b) the City Grade, Grade A and Grade B contours; and
(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted Grade B contour.

Area _____sq. km. Population _____

18. For an application involving an auxiliary facility only, attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed auxiliary Grade B contour; and
(b) the Grade B contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

(Main facility license file number: _____)

19. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.684)

Source of terrain data: (check only one box below)

☐ Linearly interpolated 30-second database (Source: _____)

☐ 7.5 minute topographic map

☐ Other (briefly summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances		
		To the City Grade Contour (kilometers)	To the Grade A contour (kilometers)	To the Grade B contour (kilometers)
*				
0				
45				
90				
135				
180				
225				
270				
315				

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement. (See 47 C.F.R. Section 1.1301 et seq.)
Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute? ☐ Yes ☐ No

Exhibit No.

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

If no, explain briefly why not.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
Signature	Address (include ZIP Code)
Date	Telephone No. (include Area Code)

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees? ☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? ☐ Yes ☐ No

   If No, attach as an Exhibit, a full explanation. Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

   Name of person contacted: _____

   Telephone No. (include area code): _____

   Person contacted: (check one box below:

   ☐ Owner ☐ Owner's Agent ☐ Other (specify)

4. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section. 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature
Title	
Typed or Printed Name of Person Signing	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

ederal Communications Commission
'ashington, D. C. 20554

Approved by OMB
3060-0041
Expires 3/31/94

INSTRUCTIONS FOR FCC 301-A
APPLICATION FOR AUTHORITY TO OPERATE A BROADCAST STATION BY REMOTE CONTROL

A. This form is to be used only by the licensees or permittees of AM broadcast stations with directional antennas. This form consists of Section I, General Information, and Section II, AM Broadcast Station Directional Antenna Information.

B. Prepare an original and two copies of this form and all exhibits. Number exhibits serially in the spaces provided in the body of the form.

C. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking authority to operate a broadcast station by remote control are required to pay and submit a fee with the filing of FCC Form 301-A. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs are exempt from the payment of this fee. Also, exempted from this fee are applicants which certify that the station will operate or does operate in accordance with 47 C.F.R. Section 73.503. To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Section I (B). FCC Form 301-A applications **not** involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 301-A applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 301-A should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide," which is obtained either by writing to the FCC's Forms Distribution Center, 2803 52nd Avenue, Hyattsville, Maryland 20781, or by calling telephone number (202) 632-FORM and leaving your request on the answering machine provided for this purpose.

Payment of any required fee can be made by check, bank draft or money order payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing.

Parties hand-delivering FCC Form 301-As may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches to it a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

D. Before filling out this application, the applicant should familiarize itself with the provisions of 47 C.F.R. Part 73 dealing with remote control of the particular type of broadcast station for which this application is being filed.

E. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act of 1934 or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 4, Section I, applicants are advised that the parameters

of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

F. The original copy of FCC Form 301-A must be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. See 47 C.F.R. Section 73.3513.

G. Be sure all necessary information is furnished and all paragraphs are fully answered. If any portions of the application are not applicable, specifically so state. Defective or incomplete applications may be returned without consideration.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's Rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, D. C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0041), Washington, D. C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 95-511, DECEMBER 11, 1980, 44 U.S.C. 3507

Approved by OMB
3060-0041
Expires 03/31/94

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FOR FCC USE ONLY

FCC 301-A

APPLICATION FOR AUTHORITY TO OPERATE A BROADCAST STATION BY REMOTE CONTROL

FOR COMMISSION USE ONLY

FILE NO.

SECTION I – GENERAL INFORMATION

1. APPLICANT NAME

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE

TELEPHONE NUMBER (include area code)	CALL LETTERS (if unassigned, state file number)

2. A. Is a fee submitted with this application? . . . . . ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 CFR Section 1.1112).

☐ Governmental Entity ☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Column (A) sets forth the Fee Type Code for the service being applied for, while Column (B) lists the Fee Multiple applicable for this application. Enter in Column (c) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0001	$	

3. Station location (community of license):

City	State

4. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? . . . . . ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in another application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) a 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; and (ii) the disposition of the previously reported matter.

Exhibit No.

SECTION I – GENERAL INFORMATION Continued

5. Facilites proposed to be operated by remote control:
AM Broadcast Transmitter(s):

☐ Main DA-D ☐ Main DA-CH ☐ Auxiliary DA-N
☐ Main DA-N ☐ Auxiliary DA-D ☐ Auxiliary DA-CH

6. Request is hereby made for authority to establish a remote control point as follows (this is the point from which the transmitter is controlled:

a. Street address (or other identification)

City	State	ZIP Code

b. Airline distance between transmitter and remote control point: kilometers

c. Is proposed remote control point located at the main studio? . . . . . ☐ Yes ☐ No

If "NO", submit an Exhibit giving reasons for its separate location. Exhibit No.

Certification

- The APPLICANT certifies that remote control operation will be in accordance with the Commission's Rules and Regulations.
- The APPLICANT hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934.)
- The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.
- The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I certify that the statements made in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, Title 47, Section 312(a)(1), AND/OR FORFEITURE (U.S. CODE, Title 47, Section 503).

▶ Signed and dated this day of , 19	Printed name of applicant
Signature of applicant	Title

If applicant is represented by legal counsel, state the name and post office address

I certify that I represent the applicant in the capacity indicated below and that I have examined the statement of technical information and that it is true to the best of my knowledge and belief.

Signature (check appropriate box below)	Telephone No. (include area code)	Date

☐ Technical Director ☐ Registered Professional Engineer ☐ Consulting Engineer ☐ Chief Operator

SECTION II – AM BROADCAST STATION DIRECTIONAL ANTENNA INFORMATION

(Not required for stations with approved sampling systems - see Section 73.68 of the Commission's Rules and Regulations)

1. Submit as an Exhibit a statement describing the stability of the directional antenna system during the one-year period preceding this application. This statement shall include, but shall not be limited to, such information as the nature and degree of an adjustment required, the maintenance procedures followed and the adequacy of the present monitoring system to indicate changes in the operation of the array.

Exhibit No.

2. Antenna resistance and reactance measurements are to be determined in accordance with the procedure described in 47 CFR Section 73.54(a), (b), (c) and (d). Attach as an Exhibit the information required to be supplied by 47 CFR Section 73.54(e).

Exhibit No.

3. Operating Constants Based On Data in Paragraph 2:

RF common point current without modulation for night power in amperes	RF common point current without modulation for day power in amperes	Actual measured common point resistance (in ohms) at operating frequency		Actual measured common point reactance (in ohms) at operating frequency	
		Night	Day	Night	Day

Currents and phases for directional operation:

TOWER	Phase Reading in Degrees		Antenna Base Current		Remote Indication of Antenna Current	
	Night	Day	Night	Day	Night	Day

4. Submit as an Exhibit the weekly readings of field intensity at each monitoring point specified in the station license for the one-year period preceding this application.

Exhibit No.

5. Submit as an Exhibit the values for each of the following: (a) common point current; (b) base currents and their calculated ratios, expressed to at least three significant figures; (c) antenna monitor sample current ratios; (d) phase indications; (e) final amplifier plate voltage; and (f) plate current. These values shall be those observed daily during the thirty-day period preceding this application, and the values shall be obtained from readings taken at approximately the same time.

Exhibit No.

6. Submit as an Exhibit a partial proof of performance consisting of at least 10 field strength measurements on each of the radials established in the latest complete adjustment of the directional antenna system. These measurements shall be made at locations, all within 2 to 10 miles (3 to 11 kilometers) from the antenna, which were utilized in such adjustment, and include on each radial, the point, if any, designated as a monitoring point in the station authorization. Measurements shall be analyzed in the manner prescribed in 47 CFR Section 73.154.

Exhibit No.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0627
Expires 01/31/98

INSTRUCTIONS FOR FCC 302-AM
APPLICATION FOR NEW AM BROADCAST STATION LICENSE

(FCC 302-AM ATTACHED)

GENERAL INSTRUCTIONS

A. This form is to be used when applying for an AM Broadcast Station License. It consists of Section I, General Data, and Section II, License Application Engineering Data.

B. References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with the current broadcast rules, which are contained in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
(4) Part 73 "Radio Broadcast Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order desk at (202) 783-3238 for current prices.

C. Prepare an original and two complete copies of the form and all exhibits. Number exhibits serially in the spaces provided in the body of the form. Date each exhibit and each antenna pattern. The application with all required exhibits should be filed with the Federal Communications Commission in the matter and at the location specified in 47 C.F.R. Section 0.401.

D. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking a license to cover the facility authorized by, and constructed pursuant to, an outstanding permit are required to pay and submit a fee with the filing of FCC 302-AM. However, governmental entities, which include any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees of noncommercial educational broadcast station licensees and permittees seeking a license to cover authorized facilities. See 47 C.F.R. Section 1.1112.

To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Question 2(B), Section I. FCC 302-AM applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC 302-AM applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC 302-AM should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtainable either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20431, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose.

Payment of any required fee can be made by check, bank draft, money order or credit card payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you

must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Question 1, of FCC Form 302-AM. Question 2 need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC 302-AM's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

E. The name of the applicant must be stated exactly as it appears on the construction permit which is being covered.

F. Each permittee of a commercial AM broadcast station is to submit at the time it applies for a station license an ownership report (FCC 323) or a certification that its current and unamended ownership report on file with the Commission has been reviewed and is accurate. This required ownership or certification should be mailed separately and addressed to Federal Communications Commission, Office of the Secretary, Washington, D. C. 20554.

G. Commission policies and litigation reporting requirements for broadcast applicants have been revised with a view to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to question 8, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

H. Information called for by this application which is already on file with the Commission need not be refiled in this application provided: (1) the information is now on file in another application or FCC form filed by or on behalf of the applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, the filing date of the application or other form containing the information, and the page or paragraph referred to; and (3) after making the reference the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public.

I. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is an unincorporated association; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his/her knowledge) , he/she shall separately set forth his/her reasons for believing that such statements are true.

J. Be sure all necessary information is furnished and all items are fully answered. If any portions of the application are not applicable, specifically so state. Defective or incomplete applications may be returned without consideration.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0627
Expires 01/31/98

FOR FCC USE ONLY

FCC 302-AM
APPLICATION FOR AM BROADCAST STATION LICENSE

(Please read instructions before filling out form.

FOR COMMISSION USE ONLY

FILE NO.

SECTION I - APPLICANT FEE INFORMATION

1. PAYOR NAME (Last, First, Middle Initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (If applicable)

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112).

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter fee amount due in Column (C).

(A) FEE TYPE CODE	(B) FEE MULTIPLE	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0 0 0 1	$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY
	0 0 0 1	$	

	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
ADD ALL AMOUNTS SHOWN IN COLUMN C, AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	$	

SECTION II - APPLICANT INFORMATION		
1. NAME OF APPLICANT		
MAILING ADDRESS		
CITY	STATE	ZIP CODE

2. This application is for:

☐ Commercial ☐ Noncommercial

☐ AM Directional ☐ AM Non-Directional

Call letters	Community of License	Construction Permit File No.	Modification of Construction Permit File No(s).	Expiration Date of Last Construction Permit

3. Is the station now operating pursuant to automatic program test authority in accordance with 47 C.F.R. Section 73.1620?

☐ Yes ☐ No

Exhibit No.

If No, explain in an Exhibit.

4. Have all the terms, conditions, and obligations set forth in the above described construction permit been fully met?

☐ Yes ☐ No

Exhibit No.

If No, state exceptions in an Exhibit.

5. Apart from the changes already reported, has any cause or circumstance arisen since the grant of the underlying construction which would result in any statement or representation contained in the construction permit application to be now incorrect?

Exhibit No.

If Yes, explain in an Exhibit.

6. Has the permittee filed its Ownership Report (FCC Form 323) or ownership certification in accordance with 47 C.F.R. Section 73.3615(b)?

☐ Yes ☐ No

☐ Does not apply

Exhibit No.

If No, explain in an Exhibit.

7. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

Exhibit No.

If the answer is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter.

8. Does the applicant, or any party to the application, have a petition on file to migrate to the expanded band (1605-1705 kHz) or a permit or license either in the existing band or expanded band that is held in combination (pursuant to the 5 year holding period allowed) with the AM facility proposed to be modified herein?

☐ Yes ☐ No

If Yes, provide particulars as an Exhibit.

Exhibit No.

The APPLICANT hereby 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 use of the same, whether by license or otherwise, and requests and authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended).

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

1. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☐ Yes ☐ No

2. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature	
Title	Date	Telephone Number

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503)

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 639 hours and 53 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0627), Washington, D. C. 20554. Do NOT send completed forms to this address.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

SECTION III - LICENSE APPLICATION ENGINEERING DATA

Name of Applicant

PURPOSE OF AUTHORIZATION APPLIED FOR: (check one)

☐ Station License ☐ Direct Measurement of Power

1. Facilities authorized in construction permit

Call Sign	File No. of Construction Permit (if applicable)	Frequency (kHz)	Hours of Operation	Power in kilowatts	
				Night	Day

2. Station location

State	City or Town

3. Transmitter location

State	County	City or Town	Street address (or other identification)

4. Main studio location

State	County	City or Town	Street address (or other identification)

5. Remote control point location (specify only if authorized directional antenna)

State	County	City or Town	Street address (or other identification)

6. Has type-approved stereo generating equipment been installed? ☐ Yes ☐ No

7. Does the sampling system meet the requirements of 47 C.F.R. Section 73.68? ☐ Yes ☐ No ☐ Not Applicable

Attach as an Exhibit a detailed description of the sampling system as installed. Exhibit No.

8. Operating constants:

RF common point or antenna current (in amperes) without modulation for night system	RF common point or antenna current (in amperes) without modulation for day system
Measured antenna or common point resistance (in ohms) at operating frequency Night Day	Measured antenna or common point reactance (in ohms) at operating frequency Night Day

Antenna indications for directional operation

Towers	Antenna monitor Phase reading(s) in degrees		Antenna monitor sample current ratio(s)		Antenna base currents	
	Night	Day	Night	Day	Night	Day

Manufacturer and type of antenna monitor:

MORTON COLLEGE
LEARNING RESOURCES CENTER
CICERO, ILL.

9. Description of antenna system ((f directional antenna is used, the information requested below should be given for each element of the array. Use separate sheets if necessary.)

Type Radiator	Overall height in meters of radiator above base insulator, or above base, if grounded.	Overall height in meters above ground (without obstruction lighting)	Overall height in meters above ground (include obstruction lighting)	If antenna is either top loaded or sectionalized, describe fully in an Exhibit. Exhibit No.

Excitation ☐ Series ☐ Shunt

Geographic coordinates to nearest second. For directional antenna give coordinates of center of array. For single vertical radiator give tower location.

North Latitude o ' "	West Longitude o ' "

If not fully described above, attach as an Exhibit further details and dimensions including any other antenna mounted on tower and associated isolation circuits. Exhibit No.

Also, if necessary for a complete description, attach as an Exhibit a sketch of the details and dimensions of ground system. Exhibit No.

10. In what respect, if any, does the apparatus constructed differ from that described in the application for construction permit or in the permit?

11. Give reasons for the change in antenna or common point resistance.

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name (Please Print or Type)	Signature (check appropriate box below)
Address (include ZIP Code)	Date
	Telephone No. (Include Area Code)

☐ Technical Director

☐ Registered Professional Engineer

☐ Chief Operator

☐ Technical Consultant

☐ Other (specify)

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0506
Expires 1/31/97

INSTRUCTIONS

FOR COMPLETION OF

FCC FORM 302-FM

APPLICATION FOR

FM BROADCAST STATION LICENSE

FCC 302-FM August 1992 edition usable
FCC 302 June 1988 edition cannot be used to obtain an FM license

February 1995

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INSTRUCTIONS FOR COMPLETION OF FCC FORM 302-FM
APPLICATION FOR FM BROADCAST STATION LICENSE

FCC Form 302-FM is used to apply for a new or modified FM broadcast license.

Tips For Filing An Error-Free Application

Following these tips will help avoid unnecessary processing delays.

- Read the instructions carefully.
- **Check all math.**
- If this application is being filed to cover a construction permit, file your application before the expiration of your construction permit.
- Type or print the information on the application clearly.

Completion of FCC Form 302-FM

Detailed instructions are provided for Sections I and II of this application. You are required to provide an answer to all items and questions. **IT IS UNACCEPTABLE TO STATE THAT INFORMATION IS "ON FILE".** Do not leave questions unanswered. If any item of this application is not applicable, then indicate it as such by responding "DNA" (Does Not Apply). **DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.**

References

References to FCC Rules are made in this application. Before filling it out, the applicant should have on hand and be familiar with the current broadcast rules in Title 47, Code of Federal Regulations (C.F.R.):

Part 0 "Commission Organization"
Part 1 "Practice and Procedure"
Part 17 "Construction, Marking, and Lighting of Antenna Structure"
Part 73 "Radio Broadcast Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D.C. 20402. You may telephone the GPO Order desk at (202) 783-3238 for current prices.

Common Errors

The following list highlights the most common errors made on Form 302-FM.

Differences Between Constructed and Authorized Facilities
If there are any differences between the constructed facilities and authorized facilities, you may not be able to use this form. See "When to Use FCC Form 302-FM" and the instructions for Item 10 of Section II.

Failure to Comply with Special Operating Conditions
The special operating conditions are located on the final pages of the construction permit. Attach exhibits, if necessary, to show compliance with the special operating conditions. Please note, special operating conditions may prohibit automatic program test authority. See the instructions for Item 11 of Section II.

Failure to Provide Complete Antenna Description
You are required to provide the make (manufacturer), complete model number, number of sections and the power gain of the antenna. If the antenna utilizes beam tilt, null fill, reduced spacing (less than one wavelength) between bays, or the antenna is directional or specialized, an exhibit must be attached. See the instructions for Item 12 of Section II.

Failure to Provide Complete Transmission Line System Description
You are required to provide the make (manufacturer), complete model number and the length of the transmission line in meters. If the efficiency of the entire transmission system includes losses other than the transmission line loss (e.g., filters, couplers, multiplexers) list each component of the system and the corresponding loss (in db) of each component in the space provided. See the instructions for Item 13 of Section II.

Miscalculation of Transmitter Power Output (TPO)

The TPO you provide will be verified by using the manufacturer's data and the exhibits you attach. See the instructions for Item 14.

IF YOU HAVE ANY QUESTIONS, TELEPHONE THE FM BRANCH AT (202) 418-2740 OR -2720.

When To Use FCC Form 302-FM

- To cover an authorized construction permit (auxiliary antenna also), provided the facilities have been constructed in compliance with provisions and operating conditions specified on the construction permit.

- To replace a nondirectional antenna with a different type of nondirectional antenna provided that there is no change in effective radiated power and the height of the center of radiation above ground is within 2 meters of that specified in the station license. See 47 C.F.R. Section 73.1690(c)(1). Non-commercial stations operating in the reserved band must file FCC Form 340 for any change in polarization. See 47 C.F.R. Section 73.525.

- To replace the transmission line with a different type of transmission line or a transmission line of a different length which requires change in the transmitter power output to maintain the licensed effective radiated power. See 47 C.F.R. Section 73.1690(c)(2).

- To install harmonic filters, sideband filters or diplexers of a different type which require a change in the transmitter power output to maintain the licensed effective radiated power. See 47 C.F.R. Section 73.1690(c)(3).

- To increase the effective radiated power of eligible Class A stations. On or after December 1, 1989, eligible Class A FM stations were permitted an increase in effective radiated power pursuant to MM Docket 88-375. See 47 C.F.R. Section 73.1690(c)(4).

  Please note, the Class A stations which appear in Commission Public Notices (see Public Notices, Reference Numbers 451, 640, 886, 2009, 11615 released November 3, 1989, November 17, 1989, December 8, 1989, March 2, 1990, and February 11, 1991 respectively and the Second Report and Order in Docket 88-375, 4 FCC Rcd 6375 (1989)) or have a special operating condition on the underlying construction permit or a letter of authorization from the FM Branch are eligible for a power increase.

  Public Notices are available through the International Transcription Service (ITS) at (202) 857-3800. When requesting documents, be prepared to supply the reference numbers and release dates.

- To obtain authority to use a formerly licensed main antenna system as an auxiliary antenna. Note that the 1 mV/m (60 dBu) contour of the auxiliary antenna cannot exceed the 1 mV/m (60 dBu) contour of the main facility. See 47 C.F.R. Sections 73.3537 and 73.1675.

- To install an antenna using beam tilt, provided the maximum effective radiated power does not exceed the authorized effective radiated power. The vertical pattern of the beam tilt antenna must be included with the application.

- As ordered by the Commission.

When Not To Use FCC Form 302-FM

- To change location, or to increase overall height of the tower structure, you must file FCC Form 301 or 340 application for construction permit. See 47 C.F.R. Section 73.1690(b).

- To alter licensed directional radiation characteristics or to exceed the pattern authorized in an underlying construction permit of a directional antenna system you must file FCC Form 301 or 340. See 47 C.F.R. Section 73.1690(b)

- To change the operating power or effective radiated power from that specified in the station authorization, except as described in the above Section "When To Use FCC Form 302-FM", you must file FCC Form 301 or 340. See 47 C.F.R. 73.1690(b).

- To change the height of the antenna radiation center by more than two meters from the values specified in the station's current construction permit or license you must file FCC Form 301 or 340. See 47 C.F.R. Section 1690(b).

- To change the location of main studio to a location outside the station's predicted 70 dBu (3.16 mV/m) principal community contour, you must file FCC Form 301 or 340. For exceptions, see 47 C.F.R. Section 73.1125.

IF YOU HAVE ANY QUESTIONS, TELEPHONE THE FM BRANCH AT (202) 418-2740 OR -2720.

INSTRUCTIONS FOR ITEMS IN SECTION I

To complete FCC Form 302-FM, you will need the following items:

- Current authorized construction permit or license for which this application will cover or modify.
- "Mass Media Services Fee Filing Guide". Call (202) 418-FORM.
- Antenna manufacturer's data.
- Transmission line manufacturer's data.
- Manufacturer's data on items located external to the transmitter (e.g. filters, isocouplers, multiplexers).
- Transmitter manufacturer's data.

Item 1 - Name and Address of Applicant

The name and address of the applicant must be stated as it appears on the current authorized construction permit or license. If the name of the applicant is different from that currently authorized, please provide an explanation.

Item 2 - Fees

Please see the section of the instructions entitled "Fees and Filings" for details on how to complete this section.

Item 3 - Misconduct

Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to this question, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications are fully set forth in Policy Regarding Character Qualifications in Broadcast Licensing, 102 FCC 2d 1179 (1985), reconsidered in part, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990), reconsidered in part, 6 FCC Rcd 3448 (1991).

Item 4 - Ownership Report

Pursuant to 47 C.F.R. Section 73.3615(b), **EACH PERMITTEE OF A COMMERCIAL FM BROADCAST STATION IS REQUIRED TO SUBMIT AN OWNERSHIP REPORT (FCC FORM 323) AT THE TIME IT APPLIES FOR ITS INITIAL LICENSE FOR A NEW STATION.** (Subsequent annual ownership reports for commercial stations require a fee and must be mailed to a different address. See 47 C.F.R. Section 73.3615 and "Mass Media Services Fee Filing Guide".) A permittee with a current and unamended Ownership Report on file with the Commission may, in lieu of filing a new Ownership Report, certify that it has reviewed its Ownership Report and it is accurate. This required Ownership Report or certification should be mailed separately and addressed to:

Federal Communications Commission
Chief, Ownership Section
Room 756
1919 M Street, N.W.
Washington, D.C. 20554

Respond "Does Not Apply", if a license has been authorized by the FCC for the station or if the station is a non-commercial educational station.

Item 5 - Anti-Drug Abuse Certification

Answer yes if all parties to the application are in compliance with Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C Section 862, the federal law which 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. For a definition of "party" for these purposes, see 47 C.F.R. Section 1.2002(b). See also Amendment of Part 1 of the Commission Rules to Implement Section 5301 of the Anti-Drug Abuse Act of 1988, 6 FCC Rcd 7551 (1991).

Item 6 - Signature of Applicant

This application must be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed official as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or absence for the United States. In the event that the applicant's attorney signs for the applicant, the attorney must provide a reason why the application is not signed by the applicant. In addition, if any matter is stated on the

basis of the attorney's belief only (rather than knowledge), the attorney must provide a reason for believing that such statements are true.

INSTRUCTIONS FOR ITEMS IN SECTION II

The following instructions describe the information that is necessary for each item of FCC Form 302-FM. Please note, you are required to provide an answer to all items and questions. **IT IS UNACCEPTABLE TO STATE THAT INFORMATION IS "ON FILE".** If any portions of the application are not applicable, specifically state so. **DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.**

Item 1 - Type of Application

- Is this a request for program test authority or has program testing commenced? See 47 C.F.R. Sections 73.1620(a)(1) and 73.1620(a)(2).

IF THE FACILITIES UTILIZE A DIRECTIONAL ANTENNA SYSTEM OR IF THE SPECIAL OPERATING CONDITIONS PLACED ON THE UNDERLYING CONSTRUCTION PERMIT PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY, YOU MUST REQUEST PROGRAM TEST AUTHORITY AND MAY BEGIN PROGRAM TESTING ONLY UPON AUTHORIZATION FROM THE FCC. YOU MAY SUBMIT A COURTESY COPY OF THE APPLICATION DIRECTLY TO THE FM BRANCH TO EXPEDITE THE PROCESSING OF THE REQUEST FOR PROGRAM TEST AUTHORITY.

- Is the license for a commercial or non-commercial station?
- Is a directional or non-directional antenna utilized?
- Is the license filed to cover a permit for an auxiliary facility or modifying a former main license for use as an auxiliary facility?

Item 2 - Call Sign

Provide current call sign.

Item 3 - Frequency or Channel and Class

List frequency or channel and the class of the authorized facility.

Item 4 - Community of License

Specify your community of license.

Item 5 - Purpose of the Application

(a) If this application is being filed to cover a construction permit then check box "a". **LIST ON THE APPROPRIATE LINE THE ORIGINAL CONSTRUCTION PERMIT FILE NUMBER AND ANY AUTHORIZED MODIFICATION(S), EXTENSION(S) OR REPLACEMENT(S) OF THE CONSTRUCTION PERMIT** that this application is to cover.

(b) If this application is being filed to modify a previous license, then check box "b". **LIST THE LICENSE FILE NUMBER** that this application is to modify.

Item 6 - Class A Upgrades

Answer yes to this question if the station is eligible to increase its effective radiated power with FCC Form 302-FM. To be acceptable, the station must be listed in the following Public Notices (Reference Numbers 451, 640, 886, 2009, 11615 released November 3, 1989, November 17, 1989, December 8, 1989, March 2, 1990, and February 11, 1991 respectively and the Second Report and Order in Docket 88-375, 4 FCC Rcd 6375 (1989)), have a special operating condition placed on the underlying construction permit allowing the station to commence program tests pursuant to the rules adopted in MM Docket No. 88-375, or have a letter of authorization to increase effective radiated power pursuant to MM Docket No. 88-375 from the FM Branch.

Please note, if you intend to increase the effective radiated power pursuant to MM Docket No. 88-375, then you **MUST ATTACH THE SUPPLEMENTAL EXHIBIT TO FCC FORM 302-FM** included in the Public Notice and if appropriate, a copy of the letter of authorization from the FM Branch.

Item 7 - Construction Permit Expiration Date

Proceed to Item 8 if this application is being filed to modify a license.

List the expiration date (month, day and year) of the construction permit or most recent modification, extension or replacement of construction permit which this license covers.

PLEASE NOTE THAT THIS LICENSE APPLICATION MUST BE ON FILE BEFORE THE EXPIRATION DATE. If your construction permit has expired, FCC Form 307 must be filed to extend/replace the underlying construction permit before you file your application for license even if construction has been completed. Failure to file FCC Form 307, when required, may result in the rescission of program test authority.

Item 8 - Description of Authorized Facilities

You will need the construction permit listed in 5(a) or the license listed in 5(b) to complete this section. **IT IS UNACCEPTABLE TO STATE THAT THE INFORMATION IS "ON FILE".**

Item 9 - Description of Facilities as Constructed

Describe the facilities as constructed. **IT IS UNACCEPTABLE TO STATE THAT THE INFORMATION IS "ON FILE".**

Item 10 - Differences

If there are any differences between the facilities described in Item 8 and Item 9, you may not be able to use this form. See the examples below, "When Not To Use FCC Form 302-FM", and 47 C.F.R. Section 73.1690.

The following are some examples which **REQUIRE THE FILING AND GRANT OF FCC FORM 301 OR 340, APPLICATION FOR CONSTRUCTION PERMIT, BEFORE PROGRAM TESTING MAY COMMENCE AND FCC FORM 302-FM CAN BE FILED. IF YOU HAVE ANY QUESTIONS, TELEPHONE THE FM BRANCH AT (202) 418-2740 OR -2720.**

Antenna Coordinates

- Changing the location of the antenna structure (changing geographic coordinates) requires the filing of FCC Form 301 or 340, application for construction permit. See 47 C.F.R. Section 73.1690(b).

Effective Radiated Power

- Changing the effective radiated power from that specified in the station authorization requires the filing of FCC Form 301 or 340. See 47 C.F.R. Section 73.1690(b). Some exceptions:

  - when a station is an eligible Class A FM station permitted to increase effective radiated power pursuant to MM Docket 88-375. See 47 C.F.R. Section 73.1690(c)(4) and Item 6 in the instructions.

  - when utilizing a beam tilt antenna, the horizontal effective radiated power may change however, the maximum effective radiated power is not permitted to exceed the authorized effective radiated power. In addition, the vertical pattern of the beam tilt antenna must be included with the application.

Radiation Center Above Ground, Above Mean Sea Level, and Above Average Terrain

- Changing the height of the radiation center above ground level, radiation center above mean sea level, or antenna height above average terrain by more than two meters from the values specified in the station's authorization requires the filing of FCC Form 301 or 340. See 47 C.F.R. Section 1690(b).

Increase in Overall Tower Height Above Ground

- Increasing the overall height of the antenna structure requires the filing of FCC Form 301 or 340 and the immediate notification of the Federal Aviation Administration. See 47 C.F.R. Section 73.1690(b).

Item 11 - Compliance with Special Operating Conditions

The special operating conditions are located on the final pages of the construction permit. Attach exhibits, if necessary, to document compliance with the special operating conditions. Please note, **SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY.**

Item 12 - Antenna Description

Provide the make (manufacturer), complete model number, number of sections and the power gain of the antenna. For example:

Manufacturer:	ERI	Shively	Jampro	Dielectric
Model Number:	SHP-4AE	6810	JHCP-3	DCR-M4
Number of Sections:	4	4	3	4
Power Gain:	2.1332	2.12	1.5	2.1

THE POWER GAIN PROVIDED IN YOUR APPLICATION WILL BE CHECKED AGAINST THE POWER GAIN SPECIFIED IN THE MANUFACTURER'S CATALOG. Therefore, it is important that the complete model number be provided. If you feel that the inclusion of the manufacturer's antenna specifications for your antenna would facilitate the processing of your application, then include a copy of the manufacturer's antenna specifications as an exhibit.

IF THE ANTENNA UTILIZES BEAM TILT, NULL FILL, REDUCED SPACING (LESS THAN ONE WAVELENGTH) BETWEEN BAYS OR THE ANTENNA IS DIRECTIONAL OR SPECIALIZED, AN EXHIBIT MUST BE ATTACHED. This exhibit must contain the manufacturer's specifications of the antenna. If your antenna possesses more than one gain, (e.g., beam tilt antenna) then all gains are to be included in the exhibit.

Item 13 - Transmission Line System Description

(a) Provide the make (manufacturer), complete model number, length of the transmission line in meters and the efficiency value. If you utilize multiple sections of transmission line, list the make, model number, length of each section and efficiency in the space provided or attach an exhibit. For example:

Manufacturer:	Andrew	Cablewave
Model Number:	HJ7-50A	FLC12-50J
Length (meters):	136.5 meters	38.4 meters

(b) If the efficiency of the entire transmission line system includes losses other than the transmission line loss (e.g., filters, couplers, multiplexers), please list each component of the system, corresponding loss (in dB), and efficiency of each component in the space provided or attach an exhibit.

(c) Provide the percent efficiency of the entire transmission line system. This is calculated by multiplying the efficiency values of all transmission line components.

Item 14 - Transmitter Power Output (TPO)

The transmitter power output (TPO) to produce the authorized effective radiated power is calculated as follows:

$$\text{TPO} = \frac{\text{Effective Radiated Power}}{\text{Antenna Power Gain} \times \text{Efficiency of Transmission Line System}}$$

THE TPO WILL BE VERIFIED BY USING THE MANUFACTURER'S DATA AND THE EXHIBITS YOU ATTACH. Failure to provide adequate information may delay the processing of this application.

REMEMBER TO CHANGE PERCENT VALUES TO DECIMAL FORM BEFORE CALCULATING TPO. For example, 75% becomes 0.75.

Item 15 - Operating Constants

Provide the actual operating constants of the transmission system that produces the TPO calculated above:

(a) List the D.C. plate current (in **amperes**) in the last radio stage.

(b) List the applied D.C. voltage (in **volts**) in the last radio stage.

(c) List the efficiency of the transmitter (in **percent**) at operating power.

(d) RF transmission line meter reading (in **percent**).

The operating constants listed above should produce the TPO calculated in Item 14. The calculation for TPO, using the operating constants, is as follows:

D.C. plate current x Applied D.C. voltage x Transmitter efficiency = TPO
or 15(a) x 15(b) x 15(c) = TPO

EXAMPLE:
TPO calculated from Item 14 = 2.20 kW

15(a) D.C. plate current = 0.61 A
15(b) Applied D.C. voltage = 4400 v
15(c) Transmitter efficiency = 82 % = 0.82 (in decimal form)
RF transmission line meter reading = 100 %

From above:
TPO = 15(a) x 15(b) x 15(c)
TPO = 0.61 A x 4400 v x 0.82
TPO = 2200.88 W
Converting to kW: 2200.88/1000 = 2.20 kW (1 kW = 1000 W)

The TPO determined from the operating constants approximately equals the TPO calculated in Item 14. Therefore, the operating constants will produce and are consistent with the TPO calculated in Item 14. See 47 C.F.R. Sections 73.267(c) and 73.1560(b).

Item 16 - Main Studio

Pursuant to 47 C.F.R. Section 73.1125, the main studio must be located within the predicted 3.16 mV/m (70 dBu) contour, the community of license, or co-located with a commonly owned AM station licensed to the same community. **LOCATING THE MAIN STUDIO AT A SITE OTHER THAN THOSE LISTED ABOVE REQUIRES THE FILING AND GRANT OF FCC FORM 301 OR 340 NOT FCC FORM 302-FM.** Automatic program test authority may not commence from a site other than those listed above unless a construction permit has been authorized by the FCC. If such an authorization has been previously granted, attach an exhibit documenting the date and circumstances of the grant of the authorization and a copy of the authorization if available.

Item 17 - Location of Main Studio

Provide a street address or detailed description of the location of the main studio. **PROVIDING A POST OFFICE BOX OR VAGUE DESCRIPTION FOR THE MAIN STUDIO ADDRESS IS UNACCEPTABLE.**

Item 18 - Location of Remote Control Point

Provide a street address or detailed description of the location of the remote control point. **DO NOT LEAVE THIS QUESTION UNANSWERED.** If the address is the same as the main studio, please indicate it as such. If there is no remote control point, enter "none" on the address line. If there are more than two remote control points, describe their locations in an exhibit. See 47 C.F.R. Sections 73.1400 and 73.1410.

Item 19 - Location of Antenna Site

Provide a street address or detailed description of the location of the antenna site.

Item 20 - Name, Address, Signature, and Capacity of Preparer

The preparer of Section II of this form must provide his/her name, address and signature and indicate their position or capacity by selecting the appropriate box. If "Other" is selected, an explanation must be provided.

Program Test Authority

Upon completion of construction of an FM station in accordance with the terms of the construction permit or the completion of a modification of licensed facilities, program tests may be conducted in accordance with the following:

Request for Program Test Authority

The permittee of an FM station with a directional antenna system or a special operating condition which prohibits automatic program test authority must file FCC Form 302-FM application for license requesting program test authority at least 10 days before it desires to begin program tests. Any request for program test authority must be accompanied by an exhibit demonstrating compliance with the special operating conditions placed on the construction permit. See 47 C.F.R. 73.1620(a)(2). You may submit a courtesy copy of the application directly to the FM Branch to expedite the processing of the request for program test authority.

Automatic Program Test Authority

The permittee of an FM station with a nondirectional antenna may begin program tests upon notification to the FM Branch in Washington D.C. provided that within 10 days, FCC Form 302-FM is filed. See 47 C.F.R. 73.1620(a)(1). Please note, this does not apply if the underlying construction permit contains a special operating condition prohibiting automatic program test authority.

Fees and Filings

By law, the Commission is required to collect charges for certain regulatory services it provides to the public. Generally, applicants seeking a license to cover the facility authorized by, and constructed pursuant to, an outstanding permit are required to pay and submit a fee with the filing of FCC Form 302-FM. Stations employing a directional antenna must submit a directional antenna fee **in addition** to the license fee. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are noncommercial educational broadcast station licensees seeking a license to cover authorized facilities. See 47 C.F.R. Section 1.112. In addition, a fee will not be charged to obtain a modified station license to reflect a change made that does not require prior authorization from the FCC. To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in response to Question 2(B), Section I. FCC Form 302-FM applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 302-FM applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 302-FM should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide," which is obtainable either by writing to the Commission's Form Distribution Center, 2803 52nd Avenue, Hyattsville, Maryland 20781, or by calling Telephone No. (202) 418-FORM and leaving your request with the answering service. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application. Payment of any required fee can be made by check, bank draft or money order payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. **DO NOT SEND CASH.**

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their license application. Applicants who wish to pay for **more than one application** with a single payment must also submit FCC Form 159. Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, question 1, of FCC Form 302-FM. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact Thomas M. Holleran at (202) 418-1925 to make the necessary arrangements.

Parties hand-delivering FCC Form 302-FM's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application may be furnished provided the applicant clearly identifies the "return copy" and attaches to it a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee, or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

Number of Copies Required

Prepare an original and two copies of this form and all exhibits.

Numbering and Preparation of Exhibits

Number exhibits serially in the spaces provided in the body of the form. Date each exhibit and each antenna pattern.

Do You Have Any Suggestions or Comments?

This is the second version of FCC Form 302-FM and the instructions. Improvements to the first version were made based on the suggestions provided by licensees, communications attorneys and engineers, manufacturers, and the processing staff. Thank you for helping to improve the FM licensing process.

If you have any suggestions or comments for improving FCC Form 302-FM or the instructions, please contact the FM Branch so that we may continue to improve the FM licensing process.

IMPORTANT ADDRESSES AND TELEPHONE NUMBERS

License Applications (With Fees):
mailed to:
Federal Communications Commission
Mass Media Services
P.O. Box 358195
Pittsburgh, PA 15251-5195

hand-delivered to:
Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Room 153-2713
Pittsburgh, PA 15259
(ATTN: Wholesale Lockbox Shift Supervisor)

Applications (Without Fees):
mailed or hand-delivered to:
Federal Communications Commission
Secretary of the Commission
1919 M Street, N.W.
Washington, D.C. 20554

Consumer Assistance
(202) 418-0190

Fee Questions
(202) 418-0220

FM Branch
Federal Communications Commission
FM Branch, Room 332
1919 M Street, N.W.
Washington, D.C. 20554
(202) 418-2740 or (202) 418-2720

Forms and Filing Guide
Form Distribution Center
2803 52nd Avenue
Hyattsville, MD 20781
(202) 418-FORM

Government Printing Office
(202) 783-3238

Office of Public Affairs
(202) 418-0500

Ownership Section
Federal Communications Commission
Chief, Ownership Section
Room 756
1919 M Street, N.W.
Washington, D.C. 20554
(202) 418-1625

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0506
Expires 01/31/97

FOR FCC USE ONLY	

FCC 302-FM

APPLICATION FOR FM BROADCAST STATION LICENSE

(Please read instructions before completing this form.)

FOR MASS MEDIA BUREAU USE ONLY
FILE NO.

Section I - GENERAL INFORMATION

1. APPLICANT NAME		
MAILING ADDRESS (Line 1) (Maximum 35 characters)		
MAILING ADDRESS (Line 2) (Maximum 35 characters)		
CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION I

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable and go to Question 3.

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)		0 0 0 1	$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)		0 0 0 1	$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (3), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
	$	

Section I - GENERAL INFORMATION (Page 2)

3. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fradulent statements to another governmental unit; or discrimination. ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure concerning 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 application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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 the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter. Exhibit No.

4. For permittees of commercial FM stations only:

Has permittee filed its Ownership Report (FCC Form 323) or ownership certification in accordance with 47 C.F.R. Section 73.3615(b). See Instructions. ☐ Yes ☐ No ☐ Does Not Apply

The APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See 47 U.S.C. Section 304.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATIONS

5. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

6. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant	Signature
Title	Date

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's Rules. Your response is required to obtain the requestd authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).

SECTION II - TECHNICAL DATA

1. This license application is for a: (check all that apply)

- ☐ Request for program test authority.
- ☐ Station on automatic program test authority.
- ☐ Commercial station.
- ☐ Noncommercial station.
- ☐ Directional antenna.
- ☐ Non-directional antenna.
- ☐ License to cover construction permit for an auxiliary facility.
- ☐ License to utilize former licensed main facility as an auxiliary facility.

SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY.

2. Call Sign: _____ 3. Frequency or channel: _____ Class: _____

4. Community of License:

City	State

5. Select ONE that applies and enter the file number(s) on the appropriate line(s). This application:

(a) ☐ covers a construction permit. Original file number: _____

as modified by: _____

as extended by: _____

as replaced by: _____

(b) ☐ modifies a license, file number: _____

6. Is this application being filed pursuant to MM Docket No. 88-375 (Class A Upgrade)? See Instructions. ☐ Yes ☐ No

If Yes, attach the supplemental Exhibit to this application.

Exhibit No.

IF YOU SELECTED 5(b), "MODIFIES A LICENSE," PROCEED TO ITEM 8.

7. Expiration date of construction permit:

Month	Day	Year

THIS APPLICATION MUST BE ON FILE WITH THE COMMISSION BEFORE THE EXPIRATION DATE OF YOUR CONSTRUCTION PERMIT. SEE INSTRUCTIONS.

SECTION II - TECHNICAL DATA (Page 2)

8. Description of facilities authorized by the construction permit or license noted in item 5(a) or 5(b):

(a) Antenna coordinates: ____ ° ____ ' ____ " N. Lat. ____ ° ____ ' ____ " W. Lon.

	Horizontal	Vertical
(b) Effective radiated power:	____ kW	____ kW
(c) Beam tilt effective radiated power (if applicable):	____ kW	____ kW
(d) Radiation center above ground:	____ meters	____ meters
(e) Radiation center above mean sea level:	____ meters	____ meters
(f) Antenna height above average terrain:	____ meters	____ meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	____ meters	

9. Description of facilities as constructed:

(a) Antenna coordinates: ____ ° ____ ' ____ " N. Lat. ____ ° ____ ' ____ " W. Lon.

	Horizontal	Vertical
(b) Effective radiated power:	____ kW	____ kW
(c) Beam tilt effective radiated power (if applicable):	____ kW	____ kW
(d) Radiation center above ground:	____ meters	____ meters
(e) Radiation center above mean sea level:	____ meters	____ meters
(f) Antenna height above average terrain:	____ meters	____ meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	____ meters	

10. Are there any differences between the facilities described in Item 8 and those in Item 9? ☐ Yes ☐ No

IF YES, YOU MAY NOT BE ABLE TO USE THIS FORM. SEE INSTRUCTIONS.

Attach an Exhibit explaining in detail how these differences occurred. Exhibit No. ____

11. SPECIAL OPERATING CONDITIONS. Attach an Exhibit that demonstrates compliance with the special operating conditions, terms, and obligations described in the construction permit. See Instructions. Exhibit No. ____

☐ Does Not Apply

CONVERSION TO AND FROM METRIC:
METERS = 0.3048 X FEET FEET = 3.281 X METERS

SECTION II - TECHNICAL DATA (Page 3)

12. Antenna description:

Make	Model Number	Number of Sections	Power Gain

If the antenna utilizes beam tilt, null fill, reduced spacing (less than one wavelength) between bays or the antenna is directional or specialized, an exhibit must be attached. SEE INSTRUCTIONS.

Exhibit No.

13. Transmission line system description:

(a) Transmission Line(s):

Make	Model Number	Length in Meters	Efficiency
		meters	%
		meters	%

IF MORE SPACE IS NEEDED, PLEASE ATTACH EXHIBIT.

Exhibit No.

(b) Additional losses (Filters, Isocouplers, Multiplexers, etc.) in transmission line system:

Description	Loss in dB	Efficiency
	dB	%
	dB	%

IF MORE SPACE IS NEEDED, PLEASE ATTACH EXHIBIT.

Exhibit No.

(c) Total Efficiency of transmission line system: _____ %

14. Transmitter power output (in kilowatts): _____ kW

SEE INSTRUCTIONS TO CALCULATE TPO.

15. Operating constants:

(a) D.C. plate current in last radio stage (amperes): _____ A

(b) Applied D.C. voltate in last radio stage (volts): _____ V

(c) Efficiency of transmitter at operating power (percent): _____ %

(d) RF transmission line meter reading (percent): _____ %

SEE INSTRUCTIONS TO CHECK OPERATING CONSTANTS.

16. Is the main studio located within the city of license or the predicted 3.16 mV/m (70 dBu) field strength contour of the main facility?

☐ Yes ☐ No

If NO, attach an Exhibit pursuant to the Instructions.

Exhibit No.

17. Location of Main Studio: (P.O. BOXES ARE UNACCEPTABLE)

Street Address or Location Description		
City	County	State

CONVERSION TO AND FROM METRIC:
METERS = 0.3048 X FEET FEET = 3.281 X METERS

SECTION II - TECHNICAL DATA (Page 4)

18. Location(s) of Remote Control Point(s):

(a)	Street Address or Location Description		
	City	County	State
(b)	Street Address or Location Description		
	City	County	State

If there are additional remote control points, attach an Exhibit which describes their locations. Exhibit No.

19. Location of Antenna Site:

Street Address or Location Description		
City	County	State

20. CERTIFICATION OF PREPARER

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name (please print or type)	Signature (check appropriate box below)
Address (include ZIP Code)	Date
	Telephone No. (include Area Code)

☐ Technical Director

☐ Chief Operator

☐ Other (specify)

☐ Registered Professional Engineer

☐ Technical Consultant

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT

Public reporting burden for this collection of information is estimated to average 4 hours per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Records Management Branch, AMD-IM, Paperwork Reduction Project (3060-0506), Washington, D. C. 20554.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0029
Expires 1/31/97

INSTRUCTIONS FOR FCC 302-TV
APPLICATION FOR TV BROADCAST STATION LICENSE

(FCC 302-TV ATTACHED)

GENERAL INSTRUCTIONS

A. This form is to be used when applying for a license for a noncommercial educational or commercial television broadcast station.

B. References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with the current broadcast rules, which are contained in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
(4) Part 73 "Radio Broadcast Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order desk at (202) 512-1800 for current prices.

C. Prepare an original and two complete copies of the form and all exhibits. Number exhibits serially in the spaces provided in the body of the form. Date each exhibit and each antenna pattern. The application with all required exhibits should be filed with the Federal Communications Commission in the matter and at the location specified in 47 C.F.R. Section 0.401.

D. Replies to questions in this form and the applicant's statements constitute representatins on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. Defective or incomplete applications will be returned without consideration. Furthermore, inadvertently accepted applications are also subject to dismissal.

SECTION I - FEE INFORMATION

By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking a license to cover the facility authorized by, and constructed pursuant to, an outstanding permit are required to pay and submit a fee with the filing of FCC 302-TV. However, governmental entities, which include any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees and permittees of noncommercial educational broadcast stations seeking a license to cover authorized facilities. See 47 C.F.R. Section 1.1112.

To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Question 2(B), Section I. FCC 302-TV applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC 302-TV applications, which require the remittance of a fee, or for which a waiver of deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC 302-AM should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtainable either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20431, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

Payment of any required fee can be made by check, bank draft, money order or credit card. If paying by check, bank draft or money order, your 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. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in

a manner that requires the submission of FCC Form 159 must still complete Question 1, Section I, of FCC Form 302-TV. Question 2 need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC 302-TV's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

SECTION II - APPLICANT INFORMATION

A. The name of the applicant must be stated exactly as it appears on the construction permit which is being covered. The current street address or post office box used by the applicant for receipt of Commission correspondence should be set forth. If this information has been set forth in Question 1, Section I, it need not be repeated here.

B. Each permittee of a new commercial TV broadcast station is to submit at the time it applies for the initial license for that new station an ownership report (FCC 323) or a certification that its current and unamended ownership report on file with the Commission has been reviewed and is accurate. This required ownership report or certification should be mailed separately and addressed to the Federal Communications Commission, Office of the Secretary, Washington, D. C. 20554.

C. Commission policies and litigation reporting requirements for broadcast applicants have been revised with a view to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 7, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

D. Information called for by this application which is already on file with the Commission need not be refiled in this application provided: (1) the information is now on file in another application or FCC form filed by or on behalf of the applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, the filing date of the application or other form containing the information, and the page or paragraph referred to; and (3) after making the reference the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirely, be open to the public.

E. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is an unincorporated association; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his/her knowledge), he/she shall separately set forth his/her reasons for believing that such statements are true.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0029
Expires 1/31/97

FOR FCC USE ONLY

FCC 302-TV
APPLICATION FOR TELEVISION BROADCAST STATION LICENSE

(Please read instructions before filling out form.)

FOR COMMISSION USE ONLY

FILE NO.

SECTION I - APPLICANT FEE INFORMATION

1. PAYOR NAME (Last, First, Middle Initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE

TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (If applicable)

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112).

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter fee amount due in Column (C).

(A) FEE TYPE CODE	(B) FEE MULTIPLE	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0001	$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY
	0001	$	

	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
ADD ALL AMOUNTS SHOWN IN COLUMN C, AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	$	

SECTION II - APPLICANT INFORMATION		
1. NAME OF APPLICANT		
MAILING ADDRESS		
CITY	STATE	ZIP CODE

2. This application is for:

☐ Commercial ☐ Noncommercial

Call letters	Community of License	Construction Permit File No.	Modification of Construction Permit File No(s).	Expiration Date of Last Construction Permit

3. Is the station now operating pursuant to automatic program test authority in accordance with 47 C.F.R. Section 73.1620?

☐ Yes ☐ No

Exhibit No.

If No, explain in an Exhibit.

4. Have all the terms, conditions, and obligations set forth in the above described construction permit been fully met?

☐ Yes ☐ No

Exhibit No.

If No, state exceptions in an Exhibit.

5. Apart from the changes already reported, has any cause or circumstance arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect?

Exhibit No.

If Yes, explain in an Exhibit.

6. Has the permittee filed its Ownership Report (FCC Form 323) or ownership certification in accordance with 47 C.F.R. Section 73.3615(b)?

☐ Yes ☐ No

☐ Does not apply

Exhibit No.

If No, explain in an Exhibit.

7. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

Exhibit No.

If the answer is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter.

The APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the

CERTIFICATION

☐ Yes ☐ No

1. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

2. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature	
Title	Date	Telephone Number

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 20 hours and 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0029), Washington, D. C. 20554. Do NOT send completed forms to this address. FCC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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

SECTION III - TV LICENSE APPLICATION ENGINEERING DATA

Name of Applicant

1. Facilities Authorized in construction permit

Call Sign	Channel No.	File No. of Construction Permit	Frequency Band MHz	Carrier Frequency Visual MHz	Aural MHz

Maximum Effective Radiated Power (visual) in dBk:	in kW:	Antenna height above average terrain Meters

2. Station location (principal community)

State	City or Town

3. Transmitter location

State	County	City or Town	Street address (or other identification)

4. Main studio location

State	County	City or Town	Number and Street

5. Operating constants - Visual transmitter (peak)

Transmitter power output (after vestigal sideband filter, if used, and after multiplexer, if combined) dBk / kW		Multiplexer loss in dB, if separate dB	Input to transmission line dBk
Transmission line power loss dB	Antenna Input power dBk	Maximum antenna power gain dB	Maximum effective radiated power dBk / kW

Does the transmitter comply with 47 C.F.R. Section 73.1660? ☐ Yes ☐ No

If No, describe fully in an Exhibit. Exhibit No.

6. Antenna, Transmission Line and Multiplexer

Antenna make and type No.	Maximum power gain dB	Average (RMS) horizontal plan power gain dB
Elevation of the top of antenna supporting structure above ground (including antenna and all other appurtenances and lighting, if any) Meters	Height of antenna radiation center above ground Meters	Height of antenna radiation center above mean sea level Meters

Geographical Coordinates of antenna

North Latitude o ' "	West Longitude o ' "

Is a directional antenna used? ☐ Yes ☐ No

Is electrical or mechanical beam tilting employed? ☐ Yes ☐ No

If either a directinal antenna or one employing beam tilt is used, and the radiation patterns differ from those on file with the construction permit application, give full details in an Exhibit. Exhibit No.

SECTION II - Page 2

Transmission Line		
Make	Type No.	Coaxial or waveguide
Size (nominal inside transverse dimensions) centimeters	Length Meters	Power loss for this length dB
Multiplexer		
Make	Type No.	Loss (if not included in transmitter power output) Visual dB Aural dB

7. Frequency measurements

Measured visual carrier frequency (specify at least to nearest 100 Hz) _____ Hz

Measured aural carrier center frequency (specify at least to nearest 100 Hz) _____ Hz

Give date measurements made and method used or frequency measurement service employed.

8. Performance Data

Have equipment performance measurements been taken in accordance with 47 C.F.R. Section 73.1590, demonstrating compliance with the Commission's transmission standards and transmission system requirements, and are those measurements available for submission to the Commission upon request? ☐ Yes ☐ No

If No, explain.

9. In what respect, if any, does the apparatus constructed differ from that described in the application for construction permit or in the permit?

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name (Please print or type)	Signature (check appropriate box below)
Address (include ZIP Code)	Date
	Telephone No. (include area code)

☐ Technical Director ☐ Registered Professional Engineer

☐ Chief Operator ☐ Technical Consultant

☐ Other (specify)

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0110
Expires 12/31/97

INSTRUCTIONS FOR FCC 303-S

APPLICATION FOR RENEWAL OF LICENSE FOR AM, FM, TV, TRANSLATOR, OR LPTV STATION

(FCC FORM 303-S ATTACHED)

A. This form is to be used in applying for renewal of license for a commercial or noncommercial AM, FM or TV broadcast station and FM translator, TV translator or Low Power TV broadcast station. It is also to be used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary FM, TV or LPTV station.

B. **FCC Form 303-S consists of Sections I, II, III, IV, and V. Those Sections which do not apply to the station license being renewed should not be submitted as part of your application. Submit relevant sections only.**

- **All applicants must complete and submit Sections I, II and V of this form.**

- **Applicants seeking to renew only an AM, FM or TV station license must ALSO complete and submit Section III.**

- **Applicants seeking to renew only an FM translator, TV translator or Low Power TV station license must ALSO complete and submit Section IV.**

- **Applicants seeking to renew the licenses of both a translator (FM and TV) and co-owned primary FM, TV or LPTV station on the same form should complete and submit ALL sections of this application.**

C. References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with the current broadcast, translator and LPTV rules, which are contained in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
(4) Part 73 "Radio Broadcast Services"
(5) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order desk at (202) 783-3238 for current prices.

D. An original and one complete copy of the 303-S renewal application, including all exhibits, must be prepared for each station license to be renewed, except that an original and one complete copy, including all exhibits, can be filed for the joint renewal of licenses for a translator and the translator's commonly owned primary station. The application with all required exhibits should be filed with the Federal Communications Commission in the manner and at the location specified in 47 C.F.R. Section 0.401.

E. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. Defective or incomplete applications will be returned without consideration. Furthermore, inadvertently accepted applications are subject to dismissal.

F. In accordance with 47 C.F.R. Section 1.65, the applicant has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

SECTION I - FEE INFORMATION

By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to renew the license for a commercial AM, FM, TV, FM translator, TV translator or Low Power TV station are required to pay and submit a fee with the filing of FCC Form 303-S. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees of noncommercial educational radio or television broadcast stations. (This includes licensees of noncommercial educational FM and full service TV broadcast stations seeking renewal of the licenses for their translator or low power TV stations provided those stations operate on a noncommercial educational basis. Low Power TV or TV translator stations that rebroadcast the programming of a primary noncommercial educational station, but are not co-owned by the licensee of such a station, are required to file fees. In addition, noncommercial FM translators operating on a non-reserved channel (CH 221-

300), and that are not co-owned by the licensee of the primary noncommercial educational station, are also required to file fees.) Renewal applicants that earlier obtained either a fee refund because of an NTIA facilities grant for the stations or a fee waiver because of demonstrated compliance with the eligibility and service requirements of 47 C.F.R. Section 73.503 or Section 73.621, and that continue to operate those stations on a noncommercial basis, are similarly exempted from this fee. See 47 C.F.R. Section 1.1112. To avail itself of any fee exemption, the renewal applicant must indicate its eligibility by checking the appropriate box in Question 2(B), Section I. FCC Form 303-S applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 303-S applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 303-S should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtained either by writing to the Commission's Form Distribution Center, 2803 52nd Avenue, Hyattsville, Maryland 20871, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104.

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

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, question 1, of FCC Form 303-S. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Forms 303-S may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

SECTION II - QUESTION-BY-QUESTION GUIDELINES

THIS SECTION MUST BE COMPLETED AND SUBMITTED BY ALL APPLICANTS REGARDLESS OF THE SERVICE OF THE STATION FOR WHICH RENEWAL IS BEING SOUGHT.

Question 1. The name of the licensee applicant should be stated exactly as it appears on the station's existing license. The current street address or post office box used by the applicant for receipt of Commission correspondence should be set forth. If this information has been set forth in Question 1, Section I, it need not be repeated here.

Any change in the licensee's name, which does not involve a change in ownership requiring prior Commission approval, can be communicated to the Commission by letter. To report any change in the mailing address previously used by the licensee FCC Form 5072, entitled "Change in Official Mailing Address for Broadcast Station," should be promptly transmitted to the Commission. See 47 C.F.R. Section 1.5.

Question 2. An applicant for an AM, FM, TV, LPTV, FM Translator or TV Translator station should identify whether it has been licensed by the Commission as a commercial or noncommercial educational licensee. A licensee that merely elects to operate its station on a noncommercial basis is not considered to be a noncommercial educational licensee. The facility should be described by its service, call letters, and specific community of license or area as listed on the station's existing license. See 47 C.F.R. Section 74.1201(a), 74.701(a) and 74.701(f) for definition of an FM translator, TV translator and low power TV broadcast stations respectively. For AM, FM or TV stations the location of the facility should be described in terms of the specific city or community to which the station is licensed. Translator and Low Power TV stations should specify the area the stations are licensed to serve.

Question 3. This question must be completed by a radio or television renewal applicant seeking to continue its authority to operate an FM Booster or TV booster station in conjunction with the primary station. The FM or TV booster station should be described in terms of its call letters and the name of the specific community which it serves.

Question 4. Aliens, foreign governments and corporations, and corporations of which less than 80% of the capital stock is owned or voted by U.S. citizens are prohibited from holding a broadcast station license. Where a corporate licensee is directly or indirectly controlled by another corporation, of which any officer or more than 25% of the directors are aliens or of which less than 75% of that corporation's stock is owned or voted by U.S. citizens, the Commission must consider whether denial of renewal would serve the public interest. Licensees are expected to employ reasonable, good faith methods to ensure the accuracy and completeness of their citizenship representations.

Question 5. Commission policies and litigation reporting requirements for broadcast, translator and LPTV station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 5, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

Question 6. NOTE: Radio applicants may find it helpful to refer to the License Renewal Booklet for Radio Stations and the RF worksheets in the Booklet before responding to this Question.

Each applicant should check the appropriate box to indicate whether a Commission grant of the proposed communications facility(ies) may or may not have a significant environmental impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

(a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

(b) A facility whose construction will involve significant changes in surface features.

(c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

(d) The facilities or the operation of which will cause exposure of workers or the general public to levels of radio frequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95. 1-1982), by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017.

NOTE: In answering this question, applicants for renewal of FM translator stations which transmit with an effective radiated power of 100 watts or less are excluded from the standards set forth in subparagraph (d) above. However, in determining the appropriate response to this question, such applicants must still perform an analysis of the subject facilities in the context of the matters set forth in subparagraphs (a) - (c) above.

If you answered No, a brief statement explaining the reasons why there will not be a significant environmental impact must be submitted. With respect to RF radiation exposure, the required statement must include a description of the steps that have been taken to protect the general public, station employees, and other persons authorized access to the tower from exposure to RF radiation levels in excess of the specified safety standards and that these steps comply with those required by OST Bulletin No. 65, October, 1985, entitled "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation." The applicant must take into account ALL non-excluded transmitters at and around the station's transmitter site; that is, contributions to environmental RF levels from all nearby radio and television stations, not just the applicant's station, must be considered.

If you answered Yes, submit the required Environmental Assessment (EA). The EA includes for antenna towers and satellite earth stations:

(a) 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.

(b) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by, zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

(c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(d) A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.

The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserve, natural migratory paths for birds and other wildlife, and sites of historic, architectural or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

The EA shall also be accompanied with evidence of site approval which has been obtained from local or federal land use authorities.

To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility: (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment and, (b) if it will affect the environment, for invoking the environmental impact statement process.

SECTION III - QUESTION-BY-QUESTION GUIDELINES

THIS SECTION MUST BE COMPLETED AND SUBMITTED ONLY BY APPLICANTS FOR AM, FM OR TV BROADCAST STATIONS.

Question 1(a). Licensees of noncommercial educational and commercial radio and television broadcast stations are required by Commission regulation (47 C.F.R. Section 73.2080) 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. In conjunction therewith, every station with five or more full-time employees must file an employment report (FCC Form 395-B) on or before May 31 of each year, identifying the station's staff by gender, race, color and/or national origin in each of nine major job categories. See 47 C.F.R. Section 73.3612.

In addition, all AM, FM and TV stations must file an original and one copy of an Equal Employment Opportunity Report (FCC Form 396) with their renewal application. This EEO form is required of all such licensees even where they do not employ five or more full-time employees or where there are less than 5% minorities in the labor force (however, in such cases you need only complete the first 2 pages of the EEO form).

Question 1(b). Each noncommercial educational broadcast station licensee is required to submit a current and complete ownership report (FCC Form 323-E) with its station's renewal application. See 47 C.F.R. Section 73.3615(d). In such cases, the question should be answered affirmatively. However, if the Form 323-E submitted with the station's last renewal application is "up-to-date" and has not been amended, a new ownership report need not be filed with the current renewal application. The applicant should then answer the question negatively and supply the filing date of that report and the call letters of the station for which it was submitted. An "up-to-date" Form 323-E ownership report is one that is current for **each** question on that report.

A commercial broadcast station licensee is required to submit a current and complete ownership report (FCC Form 323) once each year on the anniversary of the date that its license renewal application is required to be filed. See 47 C.F.R. Section 73.3615(a). Licensees of multiple commercial broadcast stations with different renewal anniversary filing dates may elect a single date to submit information, but the ownership reports may not be submitted more than one year apart. If no changes have occurred, the licensee may submit a written certification to that fact, instead of filing a new Form 323 each year. In addition, where the licensee is a partnership composed entirely of natural persons, the annual reporting requirement does not apply. Similarly, sole proprietorships are exempt from the requirement to file annually.

All commercial broadcast station licensees that are not exempt from the annual reporting program are required to file Form 323 SEPARATELY from their renewal applications. The annual ownership report (Form 323 or written certification), accompanied by its requisite fee payment for each station covered by that report, should be sent to the U.S. Treasury lockbox bank at the appropriate address and in the manner specified in the "Mass Media Services Fee Filing Guide." Additional information regarding the submission of this report is set forth in the Commission's Public Notice of June 6, 1990, entitled "Broadcast Annual Ownership Report."

Question 2. A licensee must maintain certain documents pertaining to its station in a file which is usually kept at the station's main studio or other accessible place in the community of license. The file must be available for inspection by anyone during regular business hours. The documents to be maintained generally include applications

for a construction permit and for license renewal, assignment or transfer of control; ownership and employment reports; and quarterly lists of the community issues most significantly addressed by the station's programming during the preceding three months. In addition, commercial television licensees only are required to maintain and make available to the public certain records regarding children's programming and the amount of commercial matter aired during the station's broadcast of children's programming. A complete listing of the required documents and their mandatory retention periods is set forth in 47 C.F.R. Sections 73.3526 and 73.3527. Applicants who have not so maintained their file should provide an exhibit identifying the items that are missing/late filed, and identifying steps taken to reconstruct missing information, and to prevent such problems in the future.

Question 3. This question should be completed only by a commercial radio or television renewal applicant. Licensees for these stations should note that anytime it finds it necessary to cease broadcasting it must notify the Commission's Washington, D.C. office, by letter, not later than the 10th day of discontinued operation. Further, if a licensee finds it necessary to cease broadcasting in excess of 30 days, it must, no later than the 30th day of the station being silent, submit a letter request (no filing fee is required) to the Commission's Washington, D.C. office for temporary authority to remain silent. The request must include the date the station ceased broadcasting; a detailed explanation of the reasons why it was necessary to take the station off the air; efforts being made to restore service; and the date by which resumption of operation is anticipated. The request must also include a certification relating to Section 5301 of the Anti-Drug Abuse Act of 1988 (See, as an example, Section V, Certification (1), of this Form). Extensions of temporary authority to remain silent must be timely requested if station operations do not resume within the time given. Licensees must notify the Commission's Washington, D.C. office, by letter, once operations have resumed, giving the date that operations resumed. See 47 C.F.R. Sections 73.1740 and 73.1750.

Question 4. This question should be completed by commercial TV applicants only. Programming directed to the educational and informational needs of children is an identifiable unit of program material that is not a commercial or promotional announcement, that is originally produced and broadcast for an audience of children 16 years of age and under, and that furthers the positive development of the child in any respect, including, but not limited to, the child's cognitive/intellectual or emotional/social needs.

Questions 4(b) and (c). Commercial television licensees must limit the amount of commercial matter in "children's programming", which is defined for this purpose as programming originally produced and broadcast primarily for an audience of children 12 years of age and under. The children's programming commercial limitations are no more than 12 minutes of commercial matter per hour on weekdays and no more than 10.5 minutes of commercials on weekends. The commercial limits also apply pro rata to children's programs which are 5 minutes or more and which are not part of a longer block of children's programming. There are no restrictions on how commercials within the limits are configured within an hour's block of children's programming, i.e., it is not necessary to prorate the commercial limits for separate children's programs within the hour.

SECTION IV - QUESTION-BY-QUESTION GUIDELINES

THIS SECTION MUST BE COMPLETED AND SUBMITTED ONLY BY APPLICANTS FOR FM OR TV TRANSLATOR OR LPTV BROADCAST STATION.

Question 1. An FM or TV translator or LPTV station is expected to provide continuous service except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC in Washington, D.C. no later than 10 days after the discontinued operation. (See Section III, Question 3 of these Instructions for procedures for requesting temporary authority to remain silent if the licensee finds it necessary to cease transmitting for more than 30 days.) Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuation of operation and the license of the translator or LPTV station may be cancelled at the discretion of the FCC. See 47 C.F.R. Sections 74.763 and 74.1263

Questions 2 and 3. Section 325(a) of the Communications Act of 1934, as amended, prohibits the rebroadcast of the programs of a broadcast station without the express authority of the originating station. Where the renewal applicant is not the licensee of the originating station, written authority must be obtained prior to any rebroadcasting. Also, where the licensee has changed the station being rebroadcast, written notification must be made to the Commission in accordance with 47 C.F.R. Section 74.784 or 74.1251.

Question 4. This question should be answered by licensees of Low Power TV broadcast stations only. Licensees of Low Power TV broadcast stations are required by 47 C.F.R. Section 73.2080 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. In conjunction with these provisions, every station with five or more full-time employees must file an employment report on or before May 31 of each year, identifying the station's staff by gender, race, color and/or national origin in each of nine major job categories. See 47 C.F.R. Section 73.3612.

In addition, LPTV stations must file an original and one copy of an Equal Employment Opportunity Report (FCC Form 396) with their renewal application. This EEO form is required of all such licensees even where they do not employ five or

more full-time employees or where there are less than 5% minorities in the labor force (however, in such cases you need only complete the first 2 pages of the EEO form).

Question 5(a). (FM TRANSLATOR APPLICANTS ONLY) The provisions of 47 C.F.R. Section 74.1232(d) provide that an authorization for an other area FM translator (i.e., **FM translator** station whose coverage contour extends beyond the protected contour of the commercial primary station) will not be granted to the licensee of a commercial FM radio broadcast station, or to any person or entity having any interest or connection with a primary FM station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates.

Question 5(b). The provisions of 47 C.F.R. Section 74.1232(e) provide that an authorization for an other area FM translator (i.e., **FM translator** station whose coverage contour extends beyond the protected contour of the commercial primary station) shall not receive any support, before, during or after construction, either directly or indirectly, from the commercial primary FM radio broadcast station, or from any person or entity having any interest or connection with the primary FM station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates.

SECTION V- QUESTION-BY-QUESTION GUIDELINES

THIS SECTION MUST BE COMPLETED AND SUBMITTED BY ALL APPLICANTS REGARDLESS OF THE SERVICE OF THE STATION FOR WHICH RENEWAL IS BEING SOUGHT.

The first three questions of this Section are intended to assure that the applicant has attached and included with its application all Sections of this form that pertain to the particular station for which a license renewal is sought.

Certification. As indicated above, responses to the questions set forth in FCC Form 303-S constitute representations upon which the Commission relies in considering whether renewal of the subject license would be in the public interest. Upon completion of the application form and the attached exhibits, the certification must be dated and signed.

The original copy of FCC Form 303-S must be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. See 47 C.F.R. Section 73.3513. Original copies of applications bearing signatures of unauthorized persons or photo or other reproduced copies of signatures are not acceptable.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to vary from 1 hour to 4 hours and 30 minutes per response, with an average of 1 hour and 2 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, Paperwork Reduction Project (3060-0110), Washington, DC 20554.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0110
Expires 12/31/97

FOR FCC USE ONLY	

FCC 303-S
APPLICATION FOR RENEWAL OF LICENSE FOR AM, FM, TV, TRANSLATOR OR LPTV STATION

FOR COMMISSION USE ONLY
FILE NO.

AM, FM and TV APPLICANTS MUST COMPLETE AND SUBMIT SECTIONS I, II, III AND V ONLY.

FM TRANSLATOR, TV TRANSLATOR and LPTV APPLICANTS MUST COMPLETE AND SUBMIT SECTIONS I, II, IV AND V ONLY.

IF APPLICATION IS FOR RENEWAL OF LICENSES FOR BOTH A PRIMARY STATION and A CO-OWNED TRANSLATOR WHICH REBROADCASTS THE PRIMARY STATION'S SIGNAL, APPLICANT MUST COMPLETE AND SUBMIT SECTIONS I, II, III, IV AND V.

SECTION I (FEE INFORMATION) - TO BE COMPLETED BY ALL APPLICANTS

1. PAYOR NAME (Last, First, Middle Initial)		
MAILING ADDRESS (Line 1) (Maximum 35 characters)		
MAILING ADDRESS (Line 2) (Maximum 35 characters)		
CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112):

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)			$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)			$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) AND (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	TOTAL AMOUNT REMITTED WITH THIS APPLICATION $	FOR FCC USE ONLY

SECTION II - TO BE COMPLETED BY ALL APPLICANTS

1. NAME OF LICENSEE OF AM, FM OR TV STATION	NAME OF LICENSEE OF FM OR TV TRANSLATOR OR LOW POWER TV STATION	
MAILING ADDRESS		
CITY	STATE	ZIP CODE

2. This application is for: ☐ Commercial ☐ Noncommercial

(a) ☐ AM ☐ FM ☐ TV

Call Letters	Community of License	
	City	State

(b) ☐ FM Translator ☐ TV Translator ☐ Low Power TV

Call Letters	Area Licensed to Serve	
	City	State

Call Letters	Area Licensed to Serve	
	City	State

3. Attach as an Exhibit an identification of any FM booster or TV booster station for which renewal of license is also requested.

Exhibit No.

4. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☐ Yes ☐ No

If No, attach as an Exhibit an explanation.

Exhibit No.

5. Since the filing of the applicant's last renewal application or any other application for the subject station(s), has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure concerning 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 application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter.

Exhibit No.

6. Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute?

☐ Yes ☐ No

NOTE: Licensees of FM translator stations transmitting with an effective radiated power (ERP) of 100 watts or less are not subject to the RF radiation requirements of 47 C.F.R. Section 1.1307(b).

If Yes, attach as an Exhibit an Environmental Assessment, as required by 47 C.F.R. Section 1.1311.

Exhibit No.

If No, explain briefly why not.

☐ Explanation attached

SECTION III: TO BE COMPLETED BY COMMERCIAL AND NONCOMMERCIAL AM, FM and TV APPLICANTS ONLY

1. Have the following reports been filed with the Commission:

(a) The Broadcast Station Annual Employment Reports (FCC Form 395-B), as required by 47 C.F.R. Section 73.3612? ☐ Yes ☐ No

If No, attach as an Exhibit an explanation. Exhibit No.

(b) The applicant's Ownership Report (FCC Form 323 or 323-E), as required by 47 C.F.R. Section 73.3615? ☐ Yes ☐ No

If No, give the following information:

Date last ownership report was filed: _____

Call lettters of station for which it was filed: _____

2. Has the applicant placed in its public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3526 and 73.3527? ☐ Yes ☐ No

If No, attach as an Exhibit a complete statement of explanation. Exhibit No.

3. FOR COMMERCIAL AM, FM AND TV APPLICANTS ONLY:

Is the station currently on the air? ☐ Yes ☐ No

If No, attach as an Exhibit a statement of explanation, including the steps the applicant intends to take to restore service to the public. Exhibit No.

4. FOR COMMERCIAL TV APPLICANTS ONLY:

(a) Attach as an Exhibit a summary of the applicant's programming response, nonbroadcast efforts and support for other stations' programming directed to the educational and informational needs of children 16 years old and under, and reflecting the most significant programming related to such needs which the licensee has aired, as described in 47 C.F.R. Section 73.3526(a)(8)(iii). Exhibit No.

(b) For the period of time covered by this report, has the applicant complied with the limits on commercial matter as set forth in 47 C.F.R. Section 73.670? (The limits are no more than 12 minutes of commercial matter per hour on weekdays, and no more than 10.5 minutes of commercial matter per hour during children's programming on weekends. The limits also apply pro rata to children's programs which are 5 minutes or more and which are not part of a longer block of children's programming.) ☐ Yes ☐ No

(c) If No, submit as an Exhibit a list of each segment of programming 5 minutes or more in duration designed for children 12 years old and under and broadcast during the license period which contained commercial matter in excess of the limits. For each programming segment so listed, indicate the length of the segment, the amount of commercial matter contained therein, and an explanation of why the limits were exceeded. Exhibit No.

SECTION IV : TO BE COMPLETED BY FM TRANSLATOR, TV TRANSLATOR and LPTV APPLICANTS ONLY

1. Is the applicant's station currently operating and rebroadcasting the signal of an FM, TV or LPTV station? ☐ Yes ☐ No

   If Yes, identify the station being rebroadcast:

Call Sign	Channel No.	City of License/Area Served

   If No, attach as an Exhibit a statement of explanation, including the steps the applicant intends to take to resume operations. Exhibit No.

2. Is the station being rebroadcast licensed to either the applicant or a commonly controlled entity? ☐ Yes ☐ No

   If No, has the required retransmission consent been obtained? ☐ Yes ☐ No

   If No, attach as an Exhibit an explanation. Exhibit No.

3. Is the station being rebroadcast the same station as previously notified? ☐ Yes ☐ No

   If No, attach as an Exhibit an explanation, including an identification of the station that was previously rebroadcast. Exhibit No.

4. FOR LOW POWER TV APPLICANTS ONLY:

   Have the Broadcast Station Annual Employment Reports (FCC Form 395-B) been filed with the Commission as required by 47 C.F.R. Section 73.3612? ☐ Yes ☐ No

   If No, attach as an Exhibit an explanation. Exhibit No.

5. FOR FM TRANSLATOR APPLICANTS ONLY:

   (a) Is the applicant in compliance with 47 C.F.R. Section 74.1232(d) which prohibits the common ownership of a commercial primary station and an FM translator station whose coverage contour extends beyond the protected contour of the commercial primary station being rebroadcast? This restriction also applies to any person or entity having any interest in, or any connection with, the primary FM station. ☐ Yes ☐ No

   If No, attach as an Exhibit an explanation. Exhibit No.

   (b) Is the applicant in compliance with 47 C.F.R. Section 74.1232(e) which prohibits an FM translator station whose coverage contour extends beyond the protected contour of the commercial primary station being rebroadcast from receiving any support (except for specified technical assistance), before, during or after construction, directly or indirectly, from the primary station or any person or entity having any interest in, or any connection with, the primary station? ☐ Yes ☐ No

   If No, attach as an Exhibit an explanation. Exhibit No.

SECTION V: TO BE COMPLETED BY ALL APPLICANTS

FOR AM, FM OR TV APPLICANTS ONLY: Applicant has attached Sections I, II, III, and V only. ☐ Yes ☐ No

FOR FM TRANSLATOR, TV TRANSLATOR OR LPTV APPLICANTS ONLY: Applicant has attached Sections I, II, IV and V only. ☐ Yes ☐ No

FOR CO-OWNED TRANSLATOR AND PRIMARY STATION APPLICANTS ONLY: Applicant has attached Sections I, II, III, IV and V. ☐ Yes ☐ No

The APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

1. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

2. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature
Title	Date

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FOREFITURE (U.S. CODE, TITLE 47, SECTION 503))

SUPPLEMENT TO
FCC 303-S

APPLICATION FOR RENEWAL OF LICENSE OF AM, FM, TV, TRANSLATOR, OR LPTV STATION

Section III

5. **FOR COMMERCIAL AND NONCOMMERCIAL TV APPLICANTS**

Attach as an Exhibit a summary of written comments and suggestions received by the public that comment on the applicant's programming, if any, and that are characterized by the commentor as constituting violent programming.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0407
Expires 3/31/97

INSTRUCTIONS FOR FCC 307

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT

A. This form is to be used in all cases when applying for additional time to construct a broadcast station or when applying for a construction permit to replace an expired permit. See 47 Code of Federal Regulations (C.F.R.) Sections 73.3534 and 73.3598.

B. Prepare an original and one copy of this form and all exhibits. Number exhibits serially in the space provided. This application and all required exhibits should be filed with the Federal Communications Commission in the manner and at the location specified in 47 C.F.R. Section 0.401.

C. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking authority for extension of time to construct or the replacement of an expired permit for a commercial AM, FM or full-service TV broadcast station are required to pay and submit a fee with the filing of FCC Form 307. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees and permittees of noncommercial educational radio and television broadcast stations and certain other broadcast stations (e.g., low power television, translator, booster, auxiliary and International facilities). To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Question 2(B). FCC Form 307 applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 307 applications, which require the remittance of a fee or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 307 should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtained either by writing to the Commission's Form Distribution Center, 2803 52nd Avenue, Hyattsville, Maryland 20871, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Code needed to complete this application.

Payment of any required fee can be made by check, bank draft, money order or credit card payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Question 1, of FCC Form 307. Question 2 need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Form 307's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

All previous editions obsolete.

D. The name of the applicant must be stated exactly as it appears on the construction permit to be extended or on the expired construction permit to be replaced. If this information has been set forth in response to Question 1, it need not be repeated here.

E. Completion of construction includes the time required for testing and filing an appropriate broadcast station license application.

F. Applicants must explain fully: status of construction; reasons for delays in commencement or completion of construction; and detailed steps being taken to remedy delays.

G. Filing date is determined by date application is received by the FCC.

H. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 9, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

I. The original copy of FCC Form 307 must be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible governmental entity; or by the applicant's attorney in case of the applicant's physical disability or absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reasons why the application is not signed by the applicant. See 47 C.F.R. Section 73.3513.

J. **BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.**

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on this form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 2 hours and 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0407), Washington, D. C. 20554.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 95-511, DECEMBER 11, 1980, 44 U.S.C. 3507

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0407
Expires 03/31/97

FOR FCC USE ONLY

FCC 307

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT

(CAREFULLY READ INSTRUCTIONS BEFORE FILLING OUT THIS FORM)

FOR COMMISSION USE ONLY

FILE NO.

1. APPLICANT NAME (Last, First, Middle Initial)		
MAILING ADDRESS (Line 1) (Maximum 35 characters)		
MAILING ADDRESS (Line 2) (Maximum 35 characters)		
CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS OR OTHER FCC IDENTIFIER (IF APPLICABLE)	

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112).

☐ Governmental Entity ☐ Noncommercial educational licensee/permittee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0 0 0 1	$	

3. PURPOSE OF APPLICATION: ☐ a. Additional time to construct broadcast station ☐ b. Construction permit to replace expired permit

4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT

Legal name of Applicant			
File Number	Call Letters	☐ Main Transmitter ☐ Auxiliary Transmitter	
Frequency	Channel No.	City	State

5. Submit as an Exhibit a list of the file numbers of pending applications concerning the station, e.g., major or minor modifications, assignments, etc.

Exhibit No.

6. EXTENT OF CONSTRUCTION

a. Has equipment been delivered? ☐ Yes ☐ No

If No, submit as an Exhibit a description of what equipment has been ordered, from whom and when it was ordered, and the promised delivery date (if any). If no order has been placed, so indicate and explain. Exhibit No.

b. Has installation commenced? ☐ Yes ☐ No

If Yes, submit as an Exhibit a description of the extent of installation, the date on which installation comenced, and the estimated date by which construction can be completed. Exhibit No.

7.(a) If application is for extension of construction permit, submit as an Exhibit any additional construction progress not specified above and reason(s) why construction has not been completed. Exhibit No.

(b) If application is to replace an expired construction permit, submit as an Exhibit the reason for not submitting a timely extension application, together with any additional construction progress not specified above and the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s). Exhibit No.

8. Are the representations, including environmental, contained in the application for construction permit still true and correct? ☐ Yes ☐ No

If No, give particulars in an Exhibit. Exhibit No.

9. Since the filing of the applicant's last application, has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the applicant in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

If the answer is Yes, submit as an Exhibit a full disclosure concerning 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 application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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 the filing; and (ii) the disposition of the previously reported matter. Exhibit No.

The APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISIONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503))

CERTIFICATION

1. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

2. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature
Title	Date

Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

Approved by OMB
3060-0028
Expires 2/28/99

INSTRUCTIONAL PAMPHLET FOR FCC FORM 313

Application for Authorization in the Auxiliary Broadcast Services

This pamphlet is designed to assist the licensees or permittees of AM, FM and TV broadcast stations in preparing their applications for Remote Pickup (base, mobile and automatic relay), Aural Microwave (STL, Intercity Relay and Booster), Television Microwave (Translator Relay, STL, Booster, TV Relay, TV Pickup), and Low Power Auxiliary Stations licensed under the Auxiliary Radio Broadcast Services. International broadcast licensees, TV Translator, and Low Power TV Licensees and other entities (Broadcast Network Entities, Motion Picture Producers, Television Program Producers, Cable Television System Operators) may also be eligible for certain types of Auxiliary broadcast station authorizations. See 47 CFR Part 74 to determine eligibility. Defective and incomplete applications and applications without proper fees attached are subject to return without consideration. Inadvertently accepted applications are also subject to dismissal.

GENERAL INSTRUCTIONS

References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with the current broadcast rules which are contained in 47 Code of Federal Regulations (CFR):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
(4) Part 73 "Radio Broadcast Services"
(5) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office, Washington, DC 20402. You may telephone the GPO Order desk at (202) 512-1800 for current prices.

DO NOT USE THIS FORM TO AMEND PENDING APPLICATIONS. Simply file a letter amending the particular item(s) and submit it to Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

Fill in all appropriate items. DO NOT use "ON FILE".

A separate FCC Form 313 must be filed for each proposed station at a permanent or fixed location. In the case of a single Remote Pickup base station and a group of Remote Pickup mobile units, the entire system may be included on a single application. If additional base stations will communicate with the same mobile units, separate applications are required to be filed for each base station and one application to cover all mobile units. A separate application is also required for each automatic relay station. In the case of a TV Pickup system license, any number of mobile transmitters to operate in a specific area and frequency band may be included on a single application.

In accordance with 47 CFR, Section 74.431(g), a Part 73 broadcast licensee may operate new RPU base or mobile stations for an indefinite period upon filing an application for auxiliary operation, provided that the specific conditions of 47 CFR, Sections 74.24 and 74.431(g) are otherwise met.

PREPARE AND FILE AN ORIGINAL AND 2 COPIES OF COMPLETED FORM 313.

Applications with fees should be sent to:
Federal Communications Commission
Mass Media Services
P. O. Box 358700
Pittsburgh, PA 15251-5700

Applications which are exempt from fees should be sent to:
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

Questions may be directed to the FCC's Consumer Assistance Staff at (800) 322-1117 or (717) 338-2500.

For items 1, 3, 8, 9 and 10, use the two letter State abbreviations below for filling in these items;

Alabama	AL	Kentucky	KY	Ohio	OH
Alaska	AK	Louisiana	LA	Oklahoma	OK
American Samoa	AS	Maine	ME	Oregon	OR
Arizona	AZ	Marshall Islands	MH	Palau	PW
Arkansas	AR	Maryland	MD	Pennsylvania	PA
California	CA	Massachusetts	MA	Puerto Rico	PR
Colorado	CO	Michigan	MI	Rhode Island	RI
Connecticut	CT	Minnesota	MN	South Carolina	SC
Delaware	DE	Mississippi	MS	South Dakota	SD
District of Columbia	DC	Missouri	MO	Tennessee	TN
Federal State of Micronesia	FM	Montana	MT	Texas	TX
Florida	FL	Nebraska	NE	US Minor Outlying Islands (etc.)	UM
Georgia	GA	Nevada	NV	Utah	UT
Guam	GU	New Hampshire	NH	Vermont	VT
Hawaii	HI	New Jersey	NJ	Virginia	VA
Idaho	ID	New Mexico	NM	Virgin Islands	VI
Illinois	IL	New York	NY	Washington	WA
Indiana	IN	North Carolina	NC	West Virginia	WV
Iowa	IA	North Dakota	ND	Wisconsin	WI
Kansas	KS	Northern Mariana Islands	MP	Wyoming	WY

INSTRUCTIONS FOR COMPLETION OF FORM

ITEM 1. LEGAL NAME OF APPLICANT – Enter name exactly as it appears in the Authorization for the broadcast station which will be using the auxiliary stations. If the applicant is an entity, enter the full name. Enter the official mailing address.

ITEM 2. FEE REQUIREMENTS – Item 2A should be completed by all applicants. If no fee is submitted, complete item 2B. If a fee is being submitted with your application, complete item 2C.

ITEM 3. CALL SIGN OF ASSOCIATED BROADCAST STATION(S) – Enter the broadcasting station's call sign (where more than one broadcasting station is specified, all such broadcasting stations shall be licensed to the applicant and to the same community) with which the auxiliary broadcast facility is to be principally used. Enter the community of license. For networks or producers, enter the primary community of operation.

ITEM 4. TYPE OF STATION PROPOSED – Check the box for the type of station proposed. If application is for a single Remote Pickup base station and a group of mobile units, check both the base and mobile boxes. (See also general instructions.) Check STL ONLY if the link is to transmit program material from the studio to the transmitter. Remote Pickup portable units (47 CFR, Section 74.431(c)) are considered mobiles for this application. For Remote Pickup requests, mobile and automatic relay cannot be licensed together under one call sign. These requests must be filed on separate applications.

ITEM 5. PURPOSE OF APPLICATION – Check appropriate box(es).

ITEM 6. NATURE OF PROPOSED CHANGES – Check appropriate box(es). Enter call sign of auxiliary. If changing one base in a multi-base system, enter the base number. If adding a base, identify the new base station by number.

ITEM 7. FACILITIES REQUESTED

(A) Frequency/Bandwidth Emission – Enter frequency(ies) in megahertz (MHz). Applicants will enter the specific frequency(ies) requested for Remote Pickup and Aural STL stations. For TV Auxiliary and Low Power Auxiliary stations, applicants will enter the frequency band(s) requested. (See 47 CFR, Sections 74.402, 74.502, 74.602 and 74.802 for available frequencies and frequency conditions and restrictions. For Remote Pickup facilities, in particular, see 47 CFR, Section 74.402(a)).

Emission – Enter combined emission designator. Include maximum channel bandwidth and appropriate type of emission. For example, a typical entry for remote pickup transmitters would be "50K0F3E". If different emissions are to be used on one authorization, all bandwidths/emissions to be used must be listed next to the frequency.

When applying for RPU and Aural STL stations, it is necessary to specify bandwidth/emissions for each separate frequency requested.

(B) Power – Enter transmitting power output in watts. Use only power necessary to provide satisfactory service. If this application is for a system with different power outputs, enter the largest power.

MAXIMUM POWER LIMITS

Remote Pickup		
Fixed and Mobile	100	W
Aeronautical	15	W
Aural Microwave		
944–952 MHz	12	W
17.7–19.7 GHz	10	W
31.0–31.3 GHz	0.05	W
Low Power Auxiliary		
54–72, 75–88 and 174–216 MHz Bands	0.050	W
470–530 MHz Bands	0.250	W
Other Bands	1.0	W

TV Microwave	Fixed	Mobile
Band A 2.0 GHz	20	12
Band B 6/7.0 GHz	20	12
6.425–6.525 GHz	--	12
Band D 12/13.0 GHz	5	1.5
17.7–19.7 GHz	10	--
31.0–31.3 GHz	0.05	0.05
38.6–40.0 GHz	--	1.5

Antenna input power (in watts) is the transmitter power output minus the line loss. If various lengths of line are to be used, indicate the greatest antenna input power (i.e., figure using the least line loss).

Effective radiated power (in watts) is the antenna input power times the power gain of the antenna. Again, if various antennas are to be used, figure using the antenna with the most gain.

Enter all three powers on all applications, except Low Power Auxiliary. Also, use watts, not kilowatts, milliwatts or dbm.

TV Microwave stations only – Enter the effective isotropic radiated power (EIRP), in watts, radiated off the transmitting antenna. For a periscope antenna system, this is the anticipated EIRP radiated off its reflector.

(C) Path Length – For TV STL, TV Relay and TV Microwave booster stations, provide the path length in both miles and kilometers. Applicants unable to meet minimum path length requirements shall not exceed the EIRP value derived from the equation set out in 47 CFR, Section 74.644(b).

ITEM 8. TRANSMITTING ANTENNA INFORMATION – Enter the requested information about the transmitting antenna location. If the location of the antenna does not have a street address, describe the location in such a way that it can be located readily. For example, if the station is on a mountain, give the name of the mountain; for antennas at rural locations, indicate the route numbers of the nearest highway intersection and the distance and direction from the nearest town. Example: 1.3 mi NNW of Erie, PA.

Enter the names of the county and state in which the transmitting antenna structure is actually located. However, enter the name of the city that is closest to the structure even if the city is not in the same county and/or state as the structure.

Enter the geographical coordinates in degrees, minutes and seconds, rounded to the nearest second, for the antenna location. The latitude and longitude should be accurate to plus or minus one second for the antenna location. These coordinates are an important part of the location description. Do not estimate what they might be. Consult a qualified surveyor, if necessary. You **MUST** use coordinates based on North American Datum (NAD) 27.

ITEM 9. RECEIVE SITE INFORMATION – Receiver location is the site intended to receive the transmission from Item 8 or mobile stations. If there will be more than one receiver site, indicate "See Exhibit No.___" and provide information for each site on the exhibit and specify the primary site to be used.

(A–E) Enter the address, city, county, state, and latitude and longitude of the receive site (see Instructions for Item 8 above).

(F) Enter the ground elevation above mean sea level (feet) of the receive site.

(G) Enter the height above ground (feet) to the center of the receiving antenna.

ITEM 10. REMOTE PICKUP, LOW POWER AUXILIARY AND TV PICKUP ONLY – Enter primary area of operation (usually community or license or market). Enter coordinates for the center of that area of operation (may be different from Item 9) and the radius of operation in miles and kilometers from those coordinates. If aeronautical operation is planned, enter the maximum planned transmitting altitude in feet and meters. Check appropriate box indicating the maximum number of mobile units intended to be used.

ITEM 11. ATTACH A DETAILED STATEMENT IF THE FOLLOWING CIRCUMSTANCES APPLY:

(A) Applicants proposing to operate Remote Pickup stations on Group "K1" frequencies are required to submit a statement showing what procedures will be taken to insure that interference will not be caused to stations in the industrial radio services.

(B) An applicant for authority to construct any class of station covered in 47 CFR Part 74 or for authority to change the frequency, power antenna height, or antenna directivity of an existing station located in the area of Radio Astronomy and Research Installations, as defined in 47 CFR, Section 74.12, is required to submit a statement indicating the date proper notification was made to the observatory, except for Remote Pickup mobile stations, TV Pickup stations and Low Power stations.

(C) If the proposed transmitting or receive antenna is to be mounted on an AM broadcast tower, or mounted on a new metal tower, 60 feet or greater in height and located within 1 mile of an AM broadcast tower, submit a horizontal sketch with details.

(D) If applicant for Remote Pickup station is a network entity or a cable network entity, or if applicant for low power station is a Motion Picture Producer, Cable TV System Operator, Television Program Producer, Broadcast Network Entity or Cable Network Entity, submit a statement explaining in detail the manner in which the eligibility requirements set forth in 47 CFR, Sections 74.2 and 74.832(a) are met.

ITEM 12. ANTENNA INFORMATION – If this application is for:

Low Power Auxiliary – Leave item 12 blank;

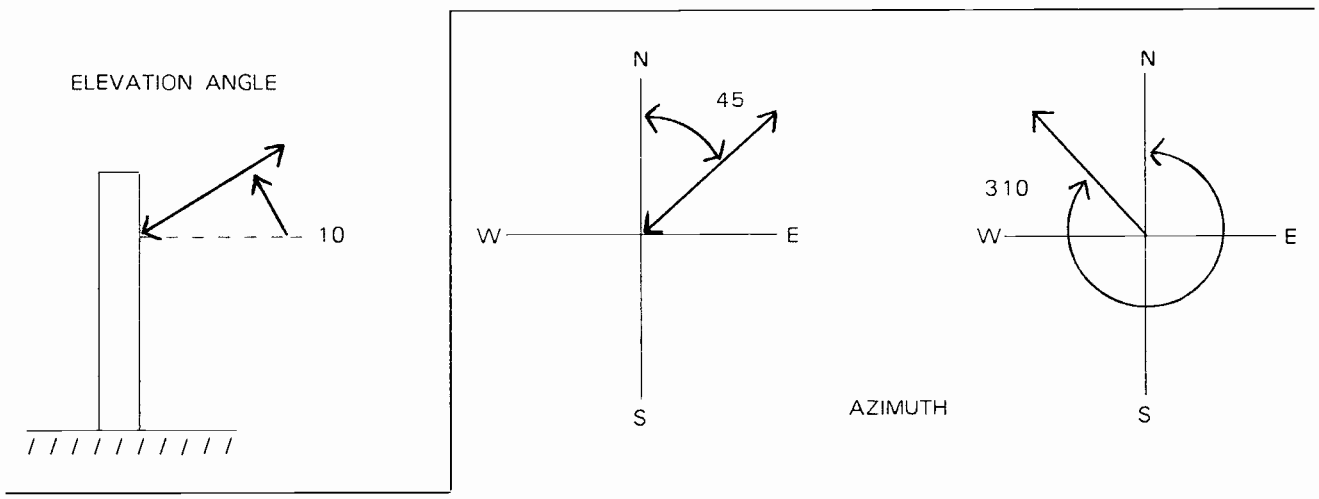
Remote Pickup base/mobile system – Enter the base antenna information;

Remote Pickup mobile system or TV pickup WITH various antennas – Enter information for the antenna with the most gain;

Fixed microwave with more than one transmitter antenna – Enter the requested information for each antenna on an exhibit.

(A) **For all applications** – Enter the manufacturer and model number. Enter the antenna gain in dBi (gain over isotropic source) rounded to 1/10 dB. Indicate polarization by the following: V – Vertical, H – Horizontal, CW – Clockwise (Right-hand), CCW – Clockwise (Left-hand), X – Variable.

For fixed microwave only – Enter beamwidth (in the horizontal plan) from manufacturer's specifications (rounded to nearest degree). Enter the elevation angle (rounded to nearest degree), that angle measured in degrees from the horizontal up to the center line of radiation of the antenna. If the antenna looks down (depression angle), indicate with a minus sign. See the following example.



ITEM 12B. Enter the overall height (feet) above ground of the supporting structure plus the antenna or antenna tower (or pole).

ITEM 12C. Enter the ground elevation above mean sea level (feet) at the transmitting antenna site.

ITEM 12D. Enter elevation above ground, as measured to the center of the antenna or reflector (see sketch, Item B, below).

ITEM 12E. For all applications specifying a transmitter at a fixed location (Item 8), complete the following for Items 12B, C and D. Enter both feet and meters. (Round feet to nearest foot and meters to nearest 1/10 meter.) Obtain figures from sketch, Item 12E, below. Antenna sketch (12E) must be filed for any fixed station application.

The sketch should be a vertical profile of the antenna support structure. The sketch should show the antenna support structure in its entirety, whether it is a tower, building, or other. If the antenna support structure is to be mounted on a building, include the complete structure, e.g., penthouses and chimneys. The sketch should include:

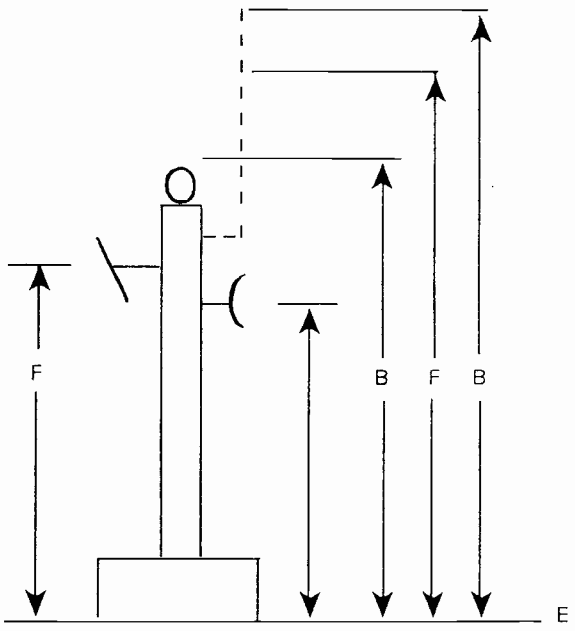
1. Proposed and existing station antenna installation, including parabolic dishes and passive reflectors. In the case of a periscope configuration where the antenna and reflector are not co-mounted on the same structure include both antenna support structures.

2. All other top-mounted devices, e.g., whip or search antenna(s) or obstruction lighting which contribute to the overall height of the structure.

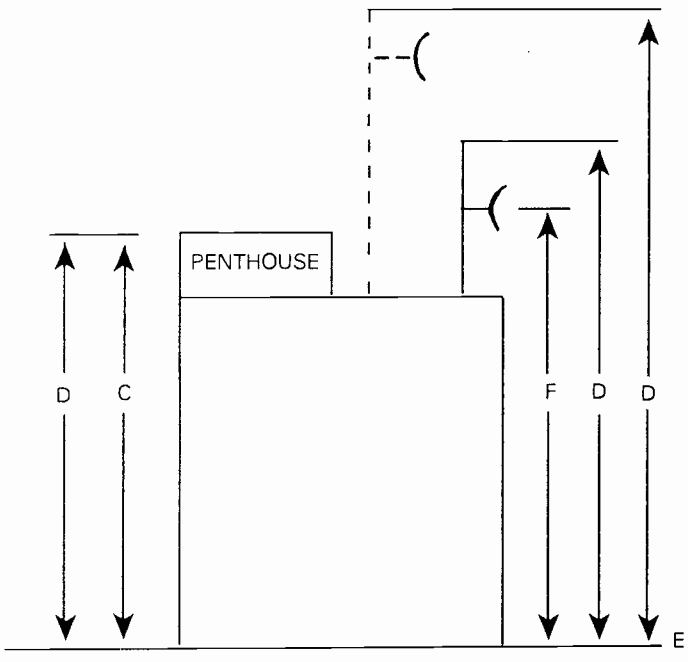
3. Any Base on which the support structure is mounted.

If a particular site will have two or more antenna support structures associated with this application, e.g., a transmitter/reflector combination using two separate towers in close proximity or two separate buildings, submit a separate sketch for each support structure.

SKETCH 1: Applies to antenna mounted on conventional towers, masts, poles, etc.



SKETCH 2: Applies to antenna structures mounted on buildings, water or fire towers, etc.



Sketch 1(B) or Sketch 2(D) is the total overall height above ground level (OHAGL) of the antenna support structure including all appurtenances. B/D includes all penthouses and chimneys if the support structure is a building as in Sketch 2, and top-mounted obstruction lighting which contributes to the overall height of the support structures as in Sketch 1. Note: B/D includes any base that the tower might be mounted on and any top-mounted devices, such as whip antennas as shown in the dotted portion of Sketch 1. (Enter figure in Item 12B.)

(E) is the elevation of the ground above mean sea level (AMSL) at the antenna support structure site. (Enter figure in Item 12C.)

(F) is the center height above ground level (AGL) of the antenna(s) and reflector(s) which should be used when stating the height(s) of these components. (Enter figure in Item 12D.)

(C) is the overall height above ground level (OHAGL) of the building, if applicable. NOTE that C will not equal D if the antenna tower extends above the topmost point of the building (see dotted portion of Sketch 2).

If a passive repeater or reflector is to be used, include a horizontal sketch with coordinates to show relationship of fixed locations.

ITEM 12F. AZIMUTH – Enter the direction of radiation of the main lobe of the transmit antenna by specifying degrees east of true north (rounded to nearest degree). See sketch, page 4.

ITEM 13. Indicate in Item 13A whether the antenna(s) for this station will be mounted on an existing antenna tower (or pole). If not, do not complete Items 13B through 13E; if so, then complete Items 13B through 13E. Enter the name of a licensee using the same tower you propose to use, the name of the radio service in which he is licensed, and his station's Call Sign.

ITEM 14A. For Remote Pickup, Low Power Auxiliary or TV pickup systems (operating with a peak output power greater than 250 mW), enter "Yes" if the transmitting equipment is listed in the latest FCC Radio Equipment List of type accepted equipment for Part 74.

ITEM 14B. For Aural STL, intercity relay, TV STL, TV relay or microwave booster stations, enter "Yes" if the transmitting equipment is authorized under the type accepted or notification procedures of 47 CFR Part 2.

ITEM 14C. If the answer to **either** Question 14A or 14B is "No", you must provide a reason for your response. For instance, the equipment may be grandfathered in accordance with 47 CFR, Sections 74.451(e), 74.655 or 74.851(d). Additionally, TV pickup stations operating with a peak output power not greater than 250 mW need not use type accepted transmitting equipment.

For unlisted transmitters not previously licensed, consult 47 CFR Part 2 for information necessary for Type Acceptance or Notification prior to authorizations. (Applications for Type Acceptance or Notification are usually filed by manufacturers to obtain a listing in the Commission's list; however, individuals having the necessary engineering facilities to make the required measurements may do so, and should include a copy of the written approval with the 313 application for the auxiliary service station.)

ITEM 15. Indicate whether notice of construction has been filed with Federal Aviation Administration. Refer to 47 CFR Part 17 for requirements and procedures for notification. If the FAA has been notified on Form 7460-1, enter the name of the organization it was filed under, the city of the FAA Regional Office where it was filed, and the date when it was filed.

ITEM 16. Enter "Yes" if the local frequency coordination committee has been notified. If the local frequency coordination committee has been notified, enter the name of the coordinator and the phone number, including area code, of the person contacted.

ITEM 17. ENVIRONMENTAL STATEMENT – The following guidance is provided for the question regarding environmental impact:

(1) Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communication facility(ies) may have a significant environmental impact as defined by 47 CFR, Section 1.1307(a). Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

(a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American History.

(b) A facility whose construction will involve significant change in surface features.

(c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

2. If you answer "Yes", submit the required Environmental Assessment (EA). The EA should include the following information for antenna towers and satellite earth stations:

(a) 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 lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(b) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

(c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(d) A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.

3. The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

4. The EA shall also be accompanied with evidence of site approval which has been obtained from local or federal land use authorities.

5. To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

6. An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsiblility (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment and, (b) if it will affect the environment, for invoking the environmental impact statement process.

ITEM 18. This question relates to NEW TV auxiliary stations ONLY. Briefly describe the primary broadcast-related purpose of the proposed new station.

ITEM 19. This question relates to NEW Television Auxiliary stations ONLY.

ITEM 20. Enter requested data as directed on the form.

Approved by OMB
3060-0028
Expires 2/28/99
See page 5 for
Public Burden Statement.

Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

FOR FCC USE ONLY	

FCC 313

APPLICATION FOR AUTHORIZATION IN THE AUXILIARY RADIO BROADCAST SERVICES

(Carefully read instructions before filling out form.)

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT OF 1995

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form, as well as the form itself, will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to Commission Rules. The foregoing notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a(e)(3) and the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.

FOR COMMISSION USE ONLY
FILE NO.

1. APPLICANT NAME		
MAILING ADDRESS (Line 1) (Maximum 35 characters)		
MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)		
CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (If applicable)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS

2. A. Is a fee submitted with this application? ☐ YES ☐ NO

B. If No, indicate reason for fee exemption (see 47 CFR Section 1.1112) and go to Question 3.

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Not for profit

C. If Yes, provide the following information:

Enter in Column (A) the correct Payment Type Code for the service for which you are applying. Payment Type Codes may be found in the "Mass Media Services Fee Filing Guide" and the "Wireless Telecommunications Bureau's Fee Filing Guide". Indicate the Quantity in Column (B). Enter in Column (C) the result obtained from multiplying the value of the Payment Type Code in Column (A) by the number listed in Column (B).

(A) PAYMENT TYPE CODE	(B) QUANTITY (if required)	(C) FEE DUE FOR PAYMENT TYPE CODE IN COLUMN A	(D) FOR FCC USE ONLY
		$	

Questions may be directed to the Consumer Assistance Staff at (800) 322-1117 or (717) 338-2500.

3. CALL SIGN OF ASSOCIATED BROADCAST STATIONS

					City/Community of License/Operation	State
AM	_____	TV	_____	____		
Translator	_____	FM	_____	____		
Low Power	_____	Booster	_____		_____	_____

4. TYPE OF STATION PROPOSED (Check appropriate boxes)

☐ A. Remote Pickup
- ☐ Base
- ☐ Mobile
- ☐ Automatic Relay

☐ B. Aural Microwave Station
- ☐ Intercity Relay
- ☐ STL
- ☐ Booster

☐ C. TV Microwave Station
- ☐ STL
- ☐ TV Relay
- ☐ Pickup
- ☐ Translator Relay
- ☐ Booster

☐ D. Low Power Auxiliary Station

5. PURPOSE OF APPLICATION (Check appropriate box)

☐ A. New Station ☐ B. Modification of existing authorization ☐ C. Reinstatement of expired license

☐ D. Other (Specify) _____

6. NATURE OF PROPOSED CHANGES

Call sign of existing station _____ Base station being modified: No. _____

☐ Change frequency	☐ Relocate station	☐ Replace equipment
☐ Change Antenna System	☐ Add base station (No. _____)	☐ Other (Specify in Exhibit No. _____)
☐ Change Power	☐ Change number of mobiles	

7. FACILITIES REQUESTED (If more space is needed, attach as Exhibit No. _____)

A. Frequency(ies) (MHz)/Bandwidth (kHz) and Emission Type

1. _____ / _____
2. _____ / _____
3. _____ / _____
4. _____ / _____
5. _____ / _____
6. _____ / _____

B. Power (watts)

Transmitter Power Output (TPO): _____ . _____ W

Antenna Input Power: _____ . _____ W

Effective Radiated Power (ERP) (Remote Pickup and Aural Microwave): _____ . _____ W

Effective Isotropic Radiated Power (EIRP) (TV Microwave Stations Only): _____ . _____ W

C. For TV STL, TV Relay and TV Microwave Booster stations enter path length _____ miles; _____ km.

8. LOCATION OF TRANSMITTING ANTENNA STRUCTURE (Fixed Station)

A. Number and Street: (or other specific indication)		
B. City:	C. County:	D. State:
E. COORDINATES		
Latitude (Degrees, Minutes, Seconds) NORTH	Longitude: (Degrees, Minutes, Seconds) WEST	

9. LOCATION OF RECEIVERS (Fixed and Mobile Stations)

A. Number and Street: (or other specific indication)		
B. City:	C. County:	D. State:
E. COORDINATES		
Latitude (Degrees, Minutes, Seconds) NORTH	Longitude: (Degrees, Minutes, Seconds) WEST	
F. Ground Elevation AMSL (Ft.)	G. Height to Center of Receiving Antenna (Ft.)	

10. MOBILE SYSTEMS INFORMATION

A. Mobile Area of Operation City:	County:	State:
B. COORDINATES OF THE CENTER AREA		
Latitude (Degrees, Minutes, Seconds) NORTH	Longitude (Degrees, Minutes, Seconds) WEST	
C. Radius of operation from these coordinates Miles:	km:	
D. Number of Mobile Units Requested: ☐ 1-5 ☐ 6-10 ☐ 11-19 ☐ 20-44 ☐ 45 or more (specify expected maximum)_____		

11. If any of the circumstances in Instruction 11 apply, attach as Exhibit No._____ detailed statements.

12. Supply the following transmitting antenna information (Review instructions)_____

A. Manufacturer: _____ Model No.: _____

Antenna Gain: _____ Elevation Angle: _____

Antenna Polarization:_____ Beamwidth (3db or 1/2 power point(s)):_____

B. Overall height above ground of this antenna structure: _____ ft.

C. Give the ground elevation above mean sea level at the antenna site. _____ ft.

D. Elevation above ground of antenna center of radiation: _____ ft.

E. Antenna sketch figure_____ . Passive reflector information attached as Exhibit No._____ .

F. If this is a directional antenna, give azimuth of main lobe: _____

13. A. Is the antenna to be mounted on an existing antenna structure? ☐ Yes ☐ No
If Yes, answer items 13B, C, D and E.

B. Will the antenna increase the height of the existing structure? ☐ Yes ☐ No
If Yes, by how many feet? _____ ft.

C. Name of current licensee using structure: _____

D. Current licensee's radio service: _____

E. Current licensee's call sign: _____

14. TRANSMITTING EQUIPMENT AUTHORIZATION

A. For Remote Pickup, Low Power Auxiliary or TV pickup systems, is transmitter type accepted? ☐ Yes ☐ No

B. For Aural STL/Intercity relay, TV STL, TV relay or microwave booster stations, is transmitter authorized under the type acceptance or notification procedure? ☐ Yes ☐ No

C. If the answer to either of the above questions (14A or 14B) is "No", give reason for your response:

☐ Equipment is grandfathered (see 47 CFR Sections 74.451(e), 74.655 and 74.851(d))

☐ TV pickup station operating with a peak output power not greater than 250 mW

15. Has the FAA been notified of proposed construction on FAA Form 7460-1? ☐ Yes ☐ No
(See 47 CFR Part 17)

If Yes, give date filed and FAA Regional Office (City) _____
and Name of Organization filed under _____

16. Is there a Local Broadcast Auxiliary Coordinating Committee in the area of operation? ☐ Yes ☐ No
If Yes, and the Committee has been contacted, give the person(s) contacted and their phone numbers, including area code.

17. ENVIRONMENTAL STATEMENT (See 47 CFR Section 1.1301 et seq.)
Would a grant of this application be a major action as defined by 47 CFR Section 1.1307(a)? ☐ Yes ☐ No
If Yes, attach as Exhibit No._____ the statement as required by 47 CFR Sections 1.1308 and 1.1311.

18. Describe briefly the primary broadcast-related purpose of the requested authorization, attached as Exhibit No._____.

19. For television auxiliary stations, state the anticipated percentage of time for which the station will be used for secondary uses. (Secondary uses are transmissions of material at times when the station is not being used to transmit program material to its associated broadcast station.) _____ %

20. For television auxiliary licensees, attach as Exhibit No. _____ a list of the total number of existing auxiliary authorizations and indicate the combined percentage of time for which these stations are presently used for secondary uses.

The APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any application with which it may be in conflict. THE APPLICANT acknowledges that all statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that:

1) The statements in this application are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

2) Neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C., Section 862, because of a conviction for possession or distribution of a controlled substance.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

(Do not sign until all exhibits have been prepared and attached)

TYPED SIGNOR NAME:	
SIGNATURE:	DATE:

Check one box for appropriate classification:

- ☐ Individual Applicant
- ☐ Officer and Member of Corporation
- ☐ Member of Partnership
- ☐ Official of Government Agency
- ☐ Officer of Corporation

For further information, FCC should contact:

Name: _____

Telephone No.: ( ) _____

Public reporting burden for this collection of information is estimated to average 5.166 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to Federal Communications Commission, Records Management Branch, AMD-IM, Washington, DC 20554, Paperwork Reduction Project (3060-0028) or via the Internet to dconway@fcc.gov. DO NOT SEND COMPLETED APPLICATIONS TO THIS WASHINGTON, DC ADDRESS. Individuals are not required to respond to a collection of information unless it displays a currently valid OMB control number.

FCC 313-R
October 1989

United States of America
Federal Communications Commission

Approved by OMB
3060-0035
Expires 3/31/91

APPLICATION FOR RENEWAL OF AUXILIARY BROADCAST LICENSE (SHORT FORM)

(USE ONLY IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE SIDE)

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-0035), Washington, DC 20503.

For Commission Fee Use Only	FEE NO:
	FEE TYPE:
	FEE AMT:
	ID SEQ:

For Applicant Fee Use Only

Is a fee submitted with this application? ☐ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeeable application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee

☐ Governmental entity

1. Name of licensee

2. Mailing address (Number, Street, City, State and ZIP Code)

3. Broadcast station with which auxiliary station is used (Call Sign, City, State)

4. (a) Class of Station: _____

(b) Auxiliary Call Sign: _____

(c) Frequency: _____

(d) Operating Power: _____

5. This form may be used ONLY when there have been NO changes in the license application previously filed. If changes are to be made, FCC Form 313 MUST be used.

6. 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 the same, whether by license or otherwise, and requests renewal of station license in accordance with this application.

The statements in this application are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

Signature _____
(See Instruction 4 on reverse)

Title _____

Date _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT, U.S. CODE, TITLE 18, SECTION 1001.

FCC 313-R
October 1989

United States of America
Federal Communications Commission

CERTIFICATE OF RENEWAL OF AUXILIARY BROADCAST LICENSE

1. Name of licensee

2. Mailing address (Number, Street, City, State and ZIP Code)

3. Broadcast station with which auxiliary station is used (Call Sign, City, State)

4. Auxiliary Call Sign:

NOT VALID UNLESS POSTED WITH LICENSE

THIS SPACE FOR COMMISSION USE ONLY

This authorization shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term hereof, nor in any other manner than authorized therein. Neither the license nor the right granted therein shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. This authorization is subject to the right of use or control by the Government of the United States conferred by Section 706 of the Communications Act of 1934, as amended (47 U.S.C. 606).

This certificate, when properly authenticated, serves as a renewal of the referenced radio station license on the same conditions and in accordance with the same provisions for the term ending:

Federal Communications Commission

Effective Date:

INSTRUCTIONS

TYPE OR NEATLY PRINT

1. This form does not need to be filed for remote pick-up, aural, television, or low power auxiliary stations licensed in common with associated television, standard or FM broadcast stations. Licenses for these stations will automatically be renewed when the associated primary broadcast station is renewed. All other licensees, e.g., motion picture producers, cable TV operators, state broadcasting systems, broadcast network entities, cable network entities and international broadcast stations, must file for renewals in accordance with 47 C.F.R. Sections 1.1101 et seq. and 74.1 et seq.

2. This form is to be used in applying for renewal of the following classes of station licenses ONLY when there has been NO change in the information shown on the previously filed license application.

   In Item 4(a) of application insert type of station sought to be renewed:

   Part 74 - Subpart D - Remote Pickup Broadcast Stations (Automatic Mobile Relay, Base or Mobile).
   Subpart E - Aural Broadcast STL & Intercity Relay
   Subpart F - TV Auxiliary Broadcast Stations (TV Pickup, TV STL, TV Intercity, TV Translator Relay and TV Microwave Booster Stations)
   Subpart H - Low Power Auxiliary Broadcast

   By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to renew the license for a remote pick-up, aural, television or low power auxiliary broadcast station are required to pay and submit a fee with the filing of the application. See 47 C.F.R. Section 1.1112. A listing of the required charges is set forth in 47 C.F.R. Section 1.1104. Full payment of the required fee may be made by check, bank draft or money order payable to the Federal Communications Commission. An application submitted with an insufficient payment or with an inappropriate form of payment will be returned, along with the tendered payment, to the applicant without processing. Except for the limited circumstances enumerated in 47 C.F.R. Section 1.1111, an accepted fee payment will be retained by the government irrespective of the subsequent substantive disposition of the underlying application. For further information regarding fees, see 47 C.F.R., Part 1, Subpart G.

3. In Item 2, insert the licensee's current mailing address.

4. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officals as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity, or by the applicant's attorney in case of the applicant's physical disability or absence from the United States. The attorney shall, in the event he or she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge), he or she shall separately set forth reasons for believing that such statements are true.

5. Complete all applicable items of this form.

6. Mail to the Federal Communications Commission, Washington, D.C. 20554-1800.

7. A separate FCC Form 313-R must be filed for EACH station authorization being renewed.

8. If the application is received by the Commission before expiration of the license, the licensee may continue operations until notified by the Commission of action on application. Upon expiration, licensee must post with the license a statement certifying that he or she has mailed or filed a renewal application, before expiration, specifying the date of mailing or filing.

9. Do not attach or enclose current license with this form.

10. COMPLETE MAILING ADDRESS ON CARD BELOW.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain this authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(eX3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, DC 20554

Official Business
Penalty for Private Use $300

Postage and Fees Paid
Federal Communications
Commission
FCC 615

Name _____

Address _____

City _____ State _____ ZIP Code _____

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0031
Expires 08/31/98

INSTRUCTIONS FOR FCC 314

APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

(FCC 314 attached)

GENERAL INSTRUCTIONS

A. This FCC form is to be used to apply for authority to assign a broadcast station construction permit or license. It consists of the following Sections:

I. General Information: Assignor (Part I); Assignee (Part II)
II. Assignee's Legal Qualifications
III. Assignee's Financial Qualifications
IV. Assignee's Program Service Statement
V. Assignee's Equal Employment Opportunity Program
VI. Certification: Assignor (Part I); Assignee (Part II)

The assignor will fill out Part I of Section I and Part I of Section VI.

The assignee will fill out Part II of Section I; all of Sections II and III; Section IV, as appropriate; Section V; and Part II of Section VI.

B. Many references to FCC rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with current broadcast rules in 47 Code of Federal Regulations (C.F.R.):

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

FCC Rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order Desk at (202) 783-3238 for current prices.

C. Prepare and submit an original and two copies of this form and all exhibits. This application with all required exhibits should be filed in accordance with 47 C.F.R. Section 0.401.

D. Public Notice Requirements:

(1) 47 C.F.R. Section 73.3580 requires that applicants for consent to assignment of a construction permit or license for an AM, FM or TV broadcast station give local notice in a newspaper of general circulation in the community to which the station is licensed. Local notice is also required to be broadcast over the station. However, if the station is the only operating station in its broadcast service which is located in the community involved, publication of the notice in a newspaper is not required. The publication requirement also applies with respect to major amendments thereto as defined in 47 C.F.R. Section 73.3578(b).

(2) Completion of publication may occur within 30 days before or after tendering of the application. Compliance or intent to comply with the public notice requirements must be **certified** in Section VI of this application. The information that must be contained in the notice of filing is described in Paragraph (f) of 47 C.F.R. Section 73.3580. Proof of publication need not be filed with this application.

(3) With respect to assignments of license that involve FM and TV booster station authorizations, local notice in a newspaper of general circulation in the community or area to be served is also required. Compliance or intent to comply with the public notice requirements must be **certified** in Section VI of this application. The information that must be contained in the notice of filing is described in paragraph (g) of 47 C.F.R. Section 73.3580. Proof of publication need not be filed with the Commission.

E. A copy of this completed application and all related documents shall be made available for inspection by the public, pursuant to 47 C.F.R. Section 73.3526.

F. Replies to questions in this form and the applicants' statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicants' responsible

consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. **Defective or incomplete applications will be returned without consideration.** Furthermore, inadvertently accepted applications are also subject to dismissal.

G. In accordance with 47 C.F.R. Section 1.65, the applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

INSTRUCTIONS FOR GENERAL INFORMATION

A. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to assign the license or permit for an AM, FM or TV broadcast station are required to pay and submit a fee with the filing of FCC Form 314. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are noncommercial educational radio and full service television broadcast stations or permittees **provided** the stations being acquired will operate on a noncommercial basis. See 47 C.F.R. Section 1.1112. To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Question 2(B), Section I. FCC Form 314 applications **NOT** involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 314 applications, which require the remittance of a fee or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 314 should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtained either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

A separate fee payment must be submitted for each FCC 314 filed. Where multiple stations are being assigned on one FCC 314, a single payment covering the total required fee, which is calculated on the basis of the number of AM, FM or TV station permits or licenses that are the subject of that FCC 314, can be made.

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

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, Question 1, of FCC Form 314. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Forms 314 may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

B. In Section I use only those state abbreviations approved by the U.S. Postal Service.

C. The name of the assignor must be stated exactly as it appears in the authorization to be assigned. If this information has been set forth in response to Question 1, Section I, it need not be repeated here.

D. Stations, whose construction permits were awarded after a comparative hearing or whose licenses were authorized through the Commission's Minority Ownership Policy, are required to be operated on-air for a one-year period by the initial permittee or the acquiring licensee. This one-year holding period commences on the date the station initiated program tests as defined in 47 C.F.R. Section 73.1620 or on the date the station's license was acquired, and ends on the date the assignment application is filed with the Commission. If this assignment application involves a permit or license subject to the one-year holding period, the assignor must submit the affirmative factual showing required by 47 C.F.R. Section 73.3597.

E. Unless otherwise specified by the parties in their agreement, the licenses for all subsidiary communications services (SCA's), all FM and TV booster stations, and all auxiliary service stations authorized under Subparts D, E, F and H of 47 C.F.R. Part 74 are automatically included in the assignment of the license of the primary station(s). All booster and auxiliary service stations being assigned should be identified by their call letters in Question 3, Part I, Section I.

NOTE: To apply for the assignment of a permit or license for a TV or FM translator station or a low power television station, a **separate** application form (FCC Form 345) **MUST** be used. The payment and submission of a separate fee with the filing of FCC Form 345 may also be required.

F. The contract or agreement between the assignor and assignee, as required to be submitted in Section I of the application, must specifically show: (1) assignee will have complete control over all necessary physical property and its use and unlimited supervision over the programs to be broadcast (see 47 C.F.R. Section 73.1150); (2) consideration, whether monetary or otherwise, and whether paid or promised; (3) all other terms and conditions involved in the assignment (see 47 C.F.R. Section 73.3613), including a statement that the instrument submitted covers the entire arrangement between the parties (if it does not, all pertinent legal instruments must be submitted); and (4) assignment is subject to consent of the Commission.

G. With respect to Question 5, Part I, Section I, payments to the assignor of a construction permit for an unbuilt station, as defined in 47 C.F.R. Section 73.3597(c), are limited to the aggregate amount legitimately and prudently expended solely for preparing, filing and advocating the grant of the construction permit and for other steps reasonably necessary toward placing the station in operation. An itemization of such expenses, with appropriate documentation, must be submitted. Legal and engineering expenses should be documented by submitting statements from the professionals involved. The other documentation required by 47 C.F.R. Section 73.3597(c) and (d) must also be submitted as part of the Exhibit. This must include the declarations required by 47 C.F.R. Section 73.3597(c)(3)(i) from both the assignor and assignee that there are no agreements or understandings other than as disclosed in the application that would benefit the assignor. Additionally, the assignee must certify, pursuant to 47 C.F.R. Section 73.3555(a) and (b), that it will commence construction immediately upon consummation of the transaction. If the application is filed after the first 9 months of the issuance of the original construction permit for the facilities, the assignor must demonstrate that one of the three criteria specified in 47 C.F.R. Section 73.3535(b) concerning construction progress has been met.

H. The terms "assignor" and party to the assignor" have the same meanings as the terms "applicant" and "party to this application" which are defined in the Instructions for Assignee's Legal Qualifications of this form.

I. With respect to Question 7, Part I, Section I, see the Instructions for Assignee's Legal Qualifications of this form.

J. The name of the assignee shall be the exact corporate name, if a corporation; if a partnership, the name of all general partners and 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, that person's full legal name. In other sections of the form, the name need be only sufficient for identification of the assignee. If this information has been set forth in response to Question I, Section I, it need not be repeated here.

INSTRUCTIONS FOR ASSIGNEE'S LEGAL QUALIFICATIONS

A. As used in Section II, the words "applicant" and "party to this application" have the following meanings:

APPLICANT: The individual or entity seeking the proposed facilities.

INDIVIDUAL APPLICANT: The natural person applying for the facilities in his or her own right.

PARTNERSHIP APPLICANT: All partners, including limited partners. However, limited partners in a limited partnership are **not** considered parties to the application **IF** the limited partners are 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 Question 3(a), Section II. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership arrangement:

(1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;

(2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;

(3) restricts any exempted limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;

(4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;

(5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;

(6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and

(7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification cannot be made if the applicant has actual knowledge of a material involvement of the 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 the limited partners, the limited partners will be considered as parties to this application.

CORPORATE APPLICANT: All officers and directors and each owner of or subscriber to stock accounting for 5% or more of the voting stock of the applicant, each of the corporate stockholder's directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application **UNLESS** the applicant submits a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the proposed station. The applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain why that person should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application **ONLY IF** that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5% or more of the votes of the applicant. For example, where X owns or subscribers to stock accounting for 25% of the applicant's votes, only those stockholders or corporation X which hold stock accounting for 20% or more have a 5% indirect interest in the applicant (.25 x .20 = .05) and, therefore, are considered parties to this application. In applying the multiplier, any entity holding more than 50% of its subsidiary will be considered a 100% owner.

If any stockholder agreement exists pertaining to cooperative voting accounting for 5% or more of the votes, that block of stock is regarded as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a party to this application.

An investment company, insurance company or trust department of a bank is not considered a party to this application **IF** its aggregated holding accounts for less than 10% of the outstanding votes in the applicant **AND IF** the applicant certifies that:

(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: All executive officers, members of the governing board and owners or subscribers who hold 5% or more of the votes in the applicant.

B. 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 as should subject it to limitation by the Commission's multiple ownership rules. Parties to the application are holders of attributable interests. Non-party holders of equity interests in the applicant are holders of nonattributable interests. While these holders of nonattributable interests are not considered parties to the application, certain Section II information must be provided for them. They may have attributable interests in other media that are considered under the Commission's cross-interest policy which seeks to ensure the promotion and maintenance of arms' length competition between stations in the same area. For example, a limited partner in an applicant, which has made the above partnership certification, may have an attributable interest in a newspaper or broadcast station in the same area, or in a station with contours that overlap the applicant's proposed station, or in a cable television (CATV) system that is located within the Grade B contour of a proposed television station. See, generally, 47 C.F.R. Sections 73.3555 and 76.501 as to the relevant contours. If so, the applicant is required:

(1) to identify the individuals or entities that have an attributable interest in another medium of mass communications in the area;

(2) to state the nature and extent of the interest in the applicant; and

(3) to identify the other medium and the nature and extent of the interest held.

In the absence of such interests, those holding nonattributable interests in the applicant need not be identified. In these circumstances, however, the applicant is required to certify that no such individual or entity has an attributable interest in another medium of mass communications in the same area, as described above.

C. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the 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 corporation of which any officer or director is an alien or of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws or a foreign country. The proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is, (b) more than 25% of the directors are, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country.

Section 310 of the Communications Act has been interpreted with respect to limited partnerships to prohibit equity contributions or voting interests of insulated alien limited partners, which in the aggregate exceed 20% in a broadcast licensee or which in the aggregate exceed 25% in a partnership which holds a controlling interest in a broadcast licensee. The interests held by aliens in a licensee through intervening domestically organized limited partnerships can be determined by multiplication of any intervening insulated interests in the manner set forth above with respect to corporate applicants, except that insulated limited partnership interests exceeding 50% may be multiplied rather than considered as a 100% interest. However, the multiplier is not used in calculating the limited partnership link in the ownership chain **UNLESS** the applicant is able to certify that the alien partner is effectively insulated from active involvement in the partnership affairs. For example, see Instruction A, above.

The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

D. Commission policies and litigation reporting requirements for broadcast applicants have been revised with a view to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 7, Part I, Section I, and to Question 14, Section II, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

INSTRUCTIONS FOR ASSIGNEE'S FINANCIAL QUALIFICATIONS

A. An applicant filing FCC 314 must attest to being financial qualified to effectuate its proposal, with sufficient net liquid assets on hand or available from committed sources of funds to consummate the transaction and operate the facilities for three months. In so certifying, the applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, and capital investments.

B. Documentation supporting the attestation of financial qualification need not be submitted with this application, but must be made available to the Commission upon request. The Commission encourages that all financial statements used in the preparation of this application be prepared in accordance with generally accepted accounting principles.

NOTE: If the transaction proposed by this application is for the assignment of a construction permit for an unbuilt station, as defined in 47 C.F.R. Section 73.3597(c), the assignee, in certifying under A above, is also attesting to the availability of sufficient net liquid assets to construct the facilities.

INSTRUCTIONS FOR ASSIGNEE'S PROGRAM SERVICE STATEMENT

Assignees need only file a program service statement called for in Section IV of this application. See Deregulation of Radio, 84 FCC 2d 968 (1981), reconsideration denied, 87 FCC 2d 797; Commercial TV Stations, 98 FCC 2d 1076 (1984), reconsideration denied, 60 RR 2d 526 (1986); and Public Broadcasting Stations (Programming and Reporting Requirements), 98 FCC 2d 746 (1984). While this statement need not take the form of a detailed programming proposal, it must be sufficient to evince an understanding on the part of each assignee of its obligation to provide programming responsive to the needs of the community. See Programming Information in Broadcast Applications, 3 FCC Rcd 5467 (1988).

NOTE: With respect to noncommercial, educational broadcast stations, no program service statement need be filed where the station's programming would be **wholly** instructional. Instructional programming includes all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers, and college credit courses are examples of instructional programs.

INSTRUCTIONS FOR ASSIGNEE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

A. Applicants seeking authority to construct a commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). This is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed as part of the application. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed.

B. Guidelines for developing an Equal Employment Opportunity Program are set forth in FCC Form 396-A.

NOTE: This five-point Broadcast Equal Employment Opportunity Model Program Report (FCC 396-A) is to be utilized only by applicants for new construction permits, assignees and transferees.

INSTRUCTIONS FOR CERTIFICATION

Section VI consists of two parts: Part 1 is the certification requirements to be completed by the assignor; Part II is the certification requirements to be completed by the assignee. BOTH PARTIES TO THE TRANSACTION MUST SIGN THE APPLICATION. Depending on the nature of the applicant, this application should be signed as indicated: for a sole proprietor, personally; for a partnership, by a general partner; for a corporation, by an officer; for an unincorporated association, by a member who is an officer; for a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. 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.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT

Public reporting burden for this collection of information is estimated to average 83 hours and 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0031), Washington, DC 20554. DO NOT send completed forms to this address.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Approved by OMB
3060-0031
Expires 08/31/98

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC 314

APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

(Please read instructions before completing this form.)

FOR FCC USE ONLY

FOR MASS MEDIA BUREAU USE ONLY

FILE NO.

Section I – GENERAL INFORMATION

1. APPLICANT NAME

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE

TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable and go to Question 3.

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If item 2.A. is Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)			$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)			$	

	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	$	

SECTION I (Page 2)

PART I – Assignor

1. Name of Assignor	Street Address		
	City	State	ZIP Code
	Telephone Number (include area code)		

2. Authorization which is proposed to be assigned

(a) Call letters _____ Location _____

(b) Has the station commenced its initial program tests within the past twelve months? ☐ Yes ☐ No

If Yes, was the initial construction permit granted after comparative hearing? ☐ Yes ☐ No

If Yes, attach as an Exhibit the showing required by 47 C.F.R. Section 73.3597. Exhibit No.

(c) Has the license for the station been acquired through the Commission's Minority Ownership Policy? ☐ Yes ☐ No

If Yes, has the station been operated on-air for less than the past twelve months? ☐ Yes ☐ No

If Yes, attach as an Exhibit the showing required by 47 C.F.R. Section 73.3597. Exhibit No.

3. Call letters of any SCA, FM or TV booster station, or associated auxiliary service stations (e.g., remote pickup, STL, inter-city relay) which are to be assigned:

4. Attach as an Exhibit a copy of the contract or agreement to assign the property and facilities of the station. If there is only an oral agreement, reduce the terms to writing and attach. Exhibit No.

5. If this application is for assignment of a construction permit for an unbuilt station, submit as an Exhibit the detailed showings and declarations of the applicants required by 47 C.F.R. Section 73.3597 regarding the assignor's legitimate and prudent out-of-pocket expenditures and the retention, if any, of any interest in the station. Exhibit No.

6. State in an Exhibit whether the assignor, or any party to the assignor: Exhibit No.

(a) has any interest in or connection with an AM, FM or television broadcast station; or a broadcast application pending before the FCC; or

(b) has had any interest in or connection with any dismissed and/or denied application; or any FCC license which has been revoked.

The Exhibit should include the following information:

(1) name of party with such interest;
(2) nature of interest or connection, giving dates;
(3) call letters or file number of application; or docket number; and
(4) location.

7. Since the filing of the assignor's last renewal application for the authorization being assigned or other application, has an adverse finding been made or an adverse final action taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

If Yes, attach as an Exhibit a full description of the persons and matter involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation. Exhibit No.

SECTION I - GENERAL INFORMATION

Part II – Assignee

1. Name of Assignee	Street Address		
	City	State	Zip Code
	Telephone No. (include area code)		

2. Does the contract submitted in response to Question 4, Part I of Section I embody the full and complete agreement between the assignor and assignee? ☐ Yes ☐ No

If No, explain in an Exhibit. Exhibit No.

SECTION II - ASSIGNEE'S LEGAL QUALIFICATIONS

1. Assignee is:

☐ an individual ☐ a general partnership ☐ a for-profit corporation

☐ other ☐ a limited partnership ☐ a not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership or corporation, describe in an Exhibit the nature of the applicant. Exhibit No.

3. Complete if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. ☐ Yes ☐ No

If No, applicant must complete Question 4 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined by 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant? ☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant. ☐ Yes ☐ No

SECTION II - ASSIGNEE'S LEGAL QUALIFICATIONS (Page 2)

NOTE: The terms "applicant and "parties to this application" are defined in the Instructions for Section II of this form. Complete information as to each "party to this application" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

4. List the applicant, and, if other than a natural person, its officers, directors, stockholders and partners with attributable interests. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio Applicants ONLY: Radio applicants need not respond to subparts g. and h. of the table. Instead, proceed and respond to Questions 5, 6 and 7, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

a.			
b.			
c.			
d.			
e.			
f.			
g.			
h.			

SECTION II - ASSIGNEE'S LEGAL QUALIFICATIONS (Page 3)

RADIO APPLICANTS ONLY NEED TO RESPOND TO QUESTIONS 5, 6 AND 7.

5. Does the applicant, or any party to the application, own, or have an attributable interest in: (a) any AM, FM or TV station; or (b) a daily newspaper in the same market(s) as the station(s) being acquired? ☐ Yes ☐ No

6. Does the applicant, or any party to the application, broker more than 15 percent of the broadcast hours per week of any AM or FM station in a market in which the applicant, or party to the application, has an attributable interest in any AM or FM station? See 47 C.F.R. Section 73.3555(a) for definition of "radio market." ☐ Yes ☐ No

   If the answer to 5 or 6 is Yes, set forth in an Exhibit, name of party having interest; nature of the interest; call letters and location of stations involved; and identification of newspaper, where applicable. Exhibit No.

7. Does the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mv/m contour for FM) of any AM or FM station being acquired overlap the principal community service contour of:

   (a) an AM or FM station which is directly or indirectly owned, operated or controlled by the applicant or any party to the application; or ☐ Yes ☐ No

   (b) an AM or FM station at which more than 15 percent of the broadcast time per week is brokered by the applicant or any party to the application? ☐ Yes ☐ No

   If the answer to (a) or (b) is Yes, do you certify that the ownership interests which will result from grant of the application(s) comply with 47 C.F.R. Section 73.3555(a), or that appropriate waivers of that section are herein sought? ☐ Yes ☐ No

   If Yes, attach a separate Exhibit containing the market and audience information necessary to demonstrate compliance. Exhibit No.

   Note: With reference to the Radio Contour Overlap Rule of 47 C.F.R. Section 73.3555(a), the applicant's Exhibit must include: (i) a map that clearly identifies, by relevant contours, the location and geographic coverage of the market or markets involved; (ii) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; (iii) for markets with 15 or more commercial radio stations, a combined audience share figure, the basis and/or source material for this figure, and the results and qualification of any commissioned audience survey or alternative showing used; and (iv) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

8. Does the applicant, or any party to the application, have:

   (a) a petition pending to migrate to the expanded band (1605-1705 kHz)? ☐ Yes ☐ No

   (b) a permit or license in either the existing band (535-1605 kHz) or expanded band (1605-1705 kHz) that is held in combination with the station(s) proposed to be sold? ☐ Yes ☐ No

   If Yes, provide particulars as an Exhibit. Exhibit No.

SECTION II - ASSIGNEE'S LEGAL QUALIFICATIONS (Page 4)

9. Does the applicant or any party to this application have any interest in or connection with a broadcast application pending before the FCC? ☐ Yes ☐ No

10. Has the applicant or any party to this application had any interest in or connection with the following:

(a) an application which has been dismissed with prejudice by the Commission? ☐ Yes ☐ No

(b) an application which has been denied by the Commission? ☐ Yes ☐ No

(c) a broadcast station, the license of which has been revoked? ☐ Yes ☐ No

(d) an application in any Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☐ No

If the answer to any of the questions in 9 or 10 is Yes, state in an Exhibit the following information: Exhibit No.

(1) Name of party having interest;
(2) Nature of interest or connection, giving dates;
(3) Call letters of stations or file number of application or docket; and
(4) Location.

11. (a) Are any of the parties to this application related (as husband, wife, father, mother, brother, sister, son or daughter) either to each other or to individuals holding nonattributable interests of 5% or more in the applicant? ☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to this application have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see 47 C.F.R. Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see 47 C.F.R. Section 76.501(a))? ☐ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station. Exhibit No.

12. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction B to Section II.) ☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see 47 C.F.R. Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see 47 C.F.R. Section 76.501(a))? ☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station. Exhibit No.

13. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section II.)

☐ Yes ☐ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☐ No

If the answer to (b) above is Yes, attach as an Exhibit a full disclosure concerning this assistance.

Exhibit No.

14. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

If Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding was based or the nature of the offense committed, and a description of the disposition of the matter.

Exhibit No.

15. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

☐ Yes ☐ No

If Yes, provide particulars in an Exhibit.

Exhibit No.

16. Do documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. Section 310(d)) will be obtained?

☐ Yes ☐ No
☐ Does Not Apply

If No, attach as an Exhibit a full explanation.

Exhibit No.

MORTON COLLEGE
LEARNING RESOURCES CENTER
CICERO, ILL.

SECTION III - ASSIGNEE'S FINANCIAL QUALIFICATIONS

The applicant certifies that sufficient net liquid assets are on hand or are available from committed resources to consummate the transaction and operate the facilities for three months. ☐ Yes ☐ No

SECTION IV - ASSIGNEE'S PROGRAM SERVICE STATEMENT

Attach as an Exhibit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area. Exhibit No.

SECTION V - ASSIGNEE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more fulltime employees? ☐ Yes ☐ No

If the answer is Yes, the applicant must include an EEO program called for in the separate Model EEO Program Report (FCC Form 396-A).

SECTION VI - CERTIFICATION

Part I - Assignor

1. Has or will the assignor comply with the public notice requirement of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

2. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The ASSIGNOR acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNOR represents that this application is not filed by it for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the ASSIGNOR has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the ASSIGNOR'S statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Assignor	Signature
Title	Date

SECTION VI - CERTIFICATION (Page 2)

Part II - Assignee

By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The ASSIGNEE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The ASSIGNEE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all its exhibits are a material part hereof and are incorporated herein.

The ASSIGNEE represents that this application is not filed by it for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the ASSIGNEE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OF CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the ASSIGNEE'S statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Assignee	Signature
Title	Date

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commisison will use this information to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 95-579, DECEMBER 31, 1974, 5 U.S.C. 552(e)(3) AND THE PAPERWORK REDUCTION ACT, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D.C. 20554

Instructions for FCC 315

Approved by OMB
3060-0032
Expires 6/30/95

Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License

(FCC Form 315 attached)

Public reporting burden for this collection of information is estimated to average 83 hours and 19 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-0032), Washington, DC 20503.

GENERAL INSTRUCTIONS

A. This FCC form is to be used to apply for consent to transfer of control of corporation holding a broadcast station construction permit or license. It consists of the following Sections:

I. GENERAL INFORMATION: TRANSFEROR (PART I); LICENSEE (PART II); TRANSFEREE (PART III)
II. TRANSFEREE'S LEGAL QUALIFICATIONS
III. TRANSFEREE'S FINANCIAL QUALIFICATIONS
IV. TRANSFEREE'S PROGRAM SERVICE STATEMENT
V. TRANSFEREE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
VI. CERTIFICATION: TRANSFEROR (PART I); LICENSEE (PART II); TRANSFEREE (PART III)

The transferor will fill out Part I of Section I and Part I of Section VI.

The licensee will fill out Part II of Section I and Part II of Section VI.

The transferee will fill out Part III of Section I; all of Sections II and III; Section IV, as appropriate; Section V; and Part III of Section VI.

B. Many references to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with current broadcast rules in 47 Code of Federal Regulations (C.F.R.):

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

FCC Rules may be purchased from the Government Printing Office, Washington, D.C. 20402. You may telephone the GPO Order Desk at (202) 783-3238 for current prices.

C. Prepare and submit an original and two copies of this form and all exhibits. This application with all required exhibits should be filed in accordance with 47 C.F.R. Section 0.401.

D. Public Notice Requirements:

(1) 47 C.F.R. Section 73.3580 requires that applicants for consent to transfer control of an entity holding an AM, FM or TV broadcast station construction permit or license give local notice in a newspaper of general circulation in the community to which the station is licensed. Local notice is also required to be broadcast over the station. However, if the station is the only operating station in its broadcast service which is located in the community involved, publication of the notice in a newspaper is not required. This publication requirement also applies with respect to major amendments thereto as defined in 47 C.F.R. Section 73.3578(b).

(2) Completion of publication may occur within 30 days before or after tendering of the application. Compliance or intent to comply with the public notice requirements must be **certified** in Section VI of this application. The information that must be contained in the notice of filing is described in Paragraph (f) of 47 C.F.R. Section 73.3580. Proof of publication need not be filed with this application.

(3) With respect to transfers of control that involve FM or TV booster station authorizations, local notice in a newspaper of general circulation in the community or area to be served is also required. Compliance or intent to comply with the public notice requirements must be **certified** in Section VI of this application. The information that must be contained in the notice of filing is described in paragraph (g) of 47 C.F.R. Section 73.3580. Proof of publication need not be filed with the Commission.

E. A copy of this completed application and all related documents shall be made available for inspection by the public, pursuant to 47 C.F.R. Section 73.3526 or Section 73.3527.

F. Replies to questions in this form and the applicants' statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicants' responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. **Defective or incomplete applications will be returned without consideration.** Furthermore, inadvertently accepted applications are also subject to dismissal.

G. In accordance with 47 C.F.R. Section 1.65, the applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

INSTRUCTIONS FOR GENERAL INFORMATION

A. **FEES.** By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to transfer control of a licensee or permittee of an AM, FM or TV broadcast station are required to pay and submit a fee with the filing of FCC Form 315. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are noncommercial educational radio and full service TV broadcast station licensees or permittees **provided** the stations being transferred will operate on a noncommercial basis. See 47 C.F.R. Section 1.1112. To avail itself of any fee exemption, the applicant must indicate its eligiblity by checking the appropriate box in response to Question 2(B), Section I. FCC Form 315 applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 315 applications which require the remittance of a fee, or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 315 should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide," which is obtainable either by writing to the Commission's Form Distribution Center, 2803 52nd Avenue, Hyattsville, Maryland 20781, or by calling Telephone No. (202) 632-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

A separate fee payment must be submitted for each FCC 315 filed. Where multiple stations are being transferred on one FCC 315, a single payment covering the total required fee, which is calculated on the basis of the number of AM, FM or TV station permits or licenses that are the subject of that FCC 315, can be made.

Payment of any required fee can be made by check, bank draft or money order payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH.

Parties hand-delivering FCC Form 315s may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches to it a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

B. In Section I use only those state abbreviations approved by the U.S. Postal Service.

C. The name of the transferor must be stated exactly as it appears in the authorization being transferred. If this information has been set forth in response to Question 1, Section I, it need not be repeated here.

D. Stations whose construction permits were awarded after a comparative hearing or whose licenses were authorized through the Commission's Minority Ownership Policy, are required to be operated on-air for a one-year period by the initial permittee or the acquiring licensee. This one-year holding period commences on the date the station initiated program tests as defined in 47 C.F.R. Section 73.1620 or on the date the station's license was acquired, and ends on the date the transfer of control application is filed with the Commission. If this transfer of control application involves a permit or license subject to the one-year holding period, the transferor must submit the affirmative factual showing required by 47 C.F.R. Section 73.3597.

Unless otherwise specified by the parties in their agreement, the licenses for all subsidiary communications services (SCA's), all FM and TV booster stations, and all auxiliary service stations authorized under Subparts D, E, F and H of 47 C.F.R. Part 74 are automatically included in the transfer of the license of the primary station(s). All booster and auxiliary service stations being transferred should be identified by their call letters in Question 3, Part I, Section I.

NOTE: To apply for the transfer of control of an entity holding a permit or license for a TV or FM translator station or a low power television station, a **separate** application form (FCC Form 345) **MUST** be used. The payment and submission of a separate fee with the filing of FCC Form 345 may also be required.

The contract or agreement between the transferor and transferee, as required to be submitted in Section I of the application, must specifically show: (1) the transferee will have complete control over all necessary physical property and its use and unlimited supervision over the programs to be broadcast (see 47 C.F.R. Section 73.1150); (2) the consideration, whether monetary or otherwise, and whether paid or promised; (3) all other terms and conditions involved in the transfer (see 47 C.F.R. Section 73.3613), including a statement that the instrument submitted covers the entire arrangement between the parties (if it does not, all other pertinent legal instruments must be submitted); and (4) the transfer is subject to the consent of the Commission.

G. With respect to Question 5, Part I, Section I, payments to the transferor of a construction permit for an unbuilt station, as defined in 47 C.F.R. Section 73.3597(c), are limited to the aggregate amount legitimately and prudently expended solely for preparing, filing and advocating the grant of the construction permit and for other steps reasonably necessary toward placing the station in operation. An itemization of such expenses, with appropriate documentation, must be submitted. Legal and engineering expenses should be documented by submitting statements from the professionals involved. The other documentation required by 47 C.F.R. Section 73.3597(c) and (d) must also be submitted as part of the Exhibit. This must include the declarations required by Section 73.3597(c)(3)(i) from both the transferor and transferee that there are no agreements or understandings other than as disclosed in the application that would benefit the transferor. Additionally, the transferee must certify, pursuant to 47 C.F.R. Section 73.3535(a) and (b), that it will commence construction immediately upon consummation of the transaction. If the application is filed after the first 9 months of the issuance of the original construction permit for the facilities, the transferor must demonstrate that one of the three criteria specified in 47 C.F.R. Section 73.3535(b) concerning construction progress has been met.

H. The terms "transferor" and "party to the transferor" and "licensee" and "party to the licensee" have the same meanings as the terms "applicant" and "party to this application" which are defined below in the Instructions for Transferee's Legal Qualifications.

I. With respect to Question 9, Part 1 (Transferor) and Question 4, Part II (Licensee) of Section I, see Instruction D, below, under Transferee's Legal Qualifications.

J. The name of the transferee shall be the exact corporate name, if a corporation; if a partnership, the name of all general partners and the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his office, and the name of the association; and if an individual applicant, that person's full legal name. In other sections of the form, the name is sufficient for identification of the transferee. If this information has been set forth in response to Question I, Section I, it need not be repeated here.

INSTRUCTIONS FOR TRANSFEREE'S LEGAL QUALIFICATIONS

A. As used in Section II, the words "applicant" and "party to this application" have the following meanings:

APPLICANT: The individual or entity seeking the proposed facilities.

INDIVIDUAL APPLICANT: The natural person applying for the facilities in his or her own right.

PARTNERSHIP APPLICANT: All partners, including limited partners. However, limited partners in a limited partnership are **not** considered parties to the application **IF** the limited partners are 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 Question 3(a), Section II. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership agreement:

(1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;

(2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;

(3) restricts any exempt limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;

(4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;

(5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;

(6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and

(7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

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

CORPORATE APPLICANT: All officers and directors and each owner of or subscriber to stock accounting for 5% or more of the outstanding votes in the corporation. However, where an individual or a single entity holds more than 50% of the applicant's voting stock, and a simple majority is all that is required to control corporate affairs, other stockholders are not considered parties to this application.

Where a corporation is a party to this application by virtue of its ownership or subscription to 5% or more of the voting stock of the applicant, each of the corporate stockholder's directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application **UNLESS** the applicant submits a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the proposed station. The applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain why that person should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application **ONLY IF** that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5% or more of the votes of the applicant. For example, where X owns or subscribes to stock accounting for 25% of the applicant's votes, only those stockholders of corporation X which hold stock accounting for 20% or more have a 5% indirect interest in the applicant (.25 x .20 = .05) and, therefore, are considered parties to this application. In applying the multiplier, any entity holding more than 50% of its subsidiary will be considered a 100% owner.

If any stockholder agreement exists pertaining to cooperative voting accounting for 5% or more of the votes, that block of stock is regarded as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a party to this application.

An investment company, insurance company or trust department of a bank is not considered a party to this application **IF** its aggregated holding accounts for less than 10% of the outstanding votes in the applicant **AND IF** the applicant certifies that:

(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: All executive officers, members of the governing board and owners or subscribers who hold 5% or more of the votes in the applicant.

B. 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 as should subject it to limitation by the Commission's multiple ownership rules. Parties to the application are holders of attributable interests. Non-party holders of equity interests in the applicant are holders of nonattributable interests. While these holders of nonattributable interests are not considered parties to the application, Section II information must be provided for them. Moreover, they may have attributable interests in other media that are considered under the Commission's cross-interest policy which seeks to ensure the promotion and maintenance of arms' length competition between stations in the same area. For example, a limited partner in an applicant, which has made the above partnership certification, may have an attributable interest in a newspaper or broadcast station in the same area, or in a station with contours that overlap the applicant's proposed station, or in a cable television (CATV)

system that is located within the Grade B contour of a proposed television station. See, generally, 47 C.F.R. Sections 73.3555 and 76.501 as to the relevant contours. If so, the applicant is required:

(1) to identify the individuals or entities that have an attributable interest in another medium of mass communications in the area;
(2) to state the nature and extent of the interest in the applicant; and
(3) to identify the other medium and the nature and extent of the interest held.

In the absence of such interests, those holding nonattributable interests in the applicant need not be identified. In these circumstances, however, the applicant is required to certify that no such individual or entity has an attributable interest in another medium of mass communications in the same area, as described above.

C. 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, the 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 corporation of which any officer or director is an alien or of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws of a foreign country. This proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is an alien, (b) more than 25% of the directors are aliens, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit or station license to a corporation controlled by another corporation organized under the laws of a foreign country.

Section 310 of the Communications Act has been interpreted with respect to limited partnerships to prohibit equity contributions or voting interests of alien limited partners, which in the aggregate exceed 20% in a broadcast licensee or which in the aggregate exceed 25% in a partnership which holds a controlling interest in a broadcast licensee. The interests held by aliens in a licensee through intervening domestically organized limited partnerships can be determined by multiplication of any intervening insulated interests in the manner set forth above with respect to corporate applicants, except that insulated limited partnership interests exceeding 50% may be multiplied rather than considered as a 100% interest. However, the multiplier is not used in calculating the limited partnership link in the ownership chain **UNLESS** the applicant is able to certify that the alien partner is effectively insulated from active involvement in the partnership affairs. For example, see Instruction A, above.

The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

D. Commission policies and litigation reporting requirements for broadcast applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 9, Part I, Section I, and to Question 14, Section II, applicants are advised that the parameters of the Commission's policies and requirements 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), reconsideration granted in part, 6 FCC Rcd 3448 (1991).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable under the Commission's multiple ownership rules. See 47 C.F.R. Section 73.3555. For further information, see also Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 604 (1985), further modified on reconsideration, 61 RR 2d 739 (1986).

INSTRUCTIONS FOR TRANSFEREE'S FINANCIAL QUALIFICATIONS

A. An applicant filing Form 315 must attest to being financially qualified to effectuate its proposal, with sufficient net liquid assets on hand or available from committed sources of funds to consummate the transaction and operate the facilities for three months. In so certifying, the applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, and capital investments.

B. Documentation supporting the attestation of financial qualification need not be submitted with this application but must be made available to the Commission upon request. The Commission encourages that all financial statements used in the preparation of this application be prepared in accordance with generally accepted accounting principles.

NOTE: If the transaction proposed by this application is for the transfer of control of a corporation holding a construction permit for an unbuilt station, as defined in 47 C.F.R. Section 73.3597(c), the transferee, in certifying under A above, is also attesting to the availability of sufficient net liquid assets to construct the facilities.

INSTRUCTIONS FOR TRANSFEREE'S PROGRAM SERVICE STATEMENT

Transferees need only file a program service statement called for in Section IV of this application. See Deregulation of Radio, 84 FCC 2d 968 (1981), reconsideration denied, 87 FCC 2d 797; Commercial TV Stations, 98 FCC 2d 1076 (1984), reconsideration denied, 60 RR 2d 526 (1986); and Public Broadcasting Stations (Programming and Reporting Requirements), 98 FCC 2d 746 (1984). While this statement need not take the form of a detailed programming proposal, it must be sufficient to evince an understanding on the part of each transferee of its obligation to provide programming responsive to the needs of the community. See Programming Information in Broadcast Applications, 3 FCC Rcd 5467 (1988).

NOTE: With respect to noncommercial educational broadcast stations, no program service statement need be filed where the station's programming would be **wholly** instructional. Instructional programming includes all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers, and college credit courses are examples of instructional programs.

INSTRUCTIONS FOR TRANSFEREE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

A. Applicants seeking authority to construct a commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). This is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed as part of the application. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed.

B. Guidelines for developing an Equal Employment Opportunity program are set forth in FCC Form 396-A.

NOTE: This five-point Broadcast Equal Employment Opportunity Model Program Report (FCC 396-A) is to be utilized only by applicants for new construction permits, assignees and transferees.

INSTRUCTIONS FOR CERTIFICATION

Section VI consists of three parts: Part I is the certification requirements to be completed by the transferor; Part II is the certification requirements to be completed by the licensee; and Part III is the certification requirement to be completed by the transferee. ALL PARTIES TO THE TRANSACTION MUST SIGN THE APPLICATION. Depending on the nature of the applicant, this application should be signed as indicated: for a sole proprietor, personally; for a partnership, by a general partner; for a corporation, by an officer; for an unincorporated association, by a member who is an officer; for a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. 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.

Approved by OMB
3060-0032
Expires 06/30/95

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC 315

FOR FCC USE ONLY

APPLICATION FOR CONSENT TO TRANSFER OF CONTROL OF CORPORATION HOLDING BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

(Please read instructions before completing this form.)

FOR MASS MEDIA BUREAU USE ONLY

FILE NO.

Section I – GENERAL INFORMATION

1. APPLICANT NAME

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable.

☐ Governmental Entity ☐ Noncommercial educational licensee/permittee ☐ Other (Please explain):

C. If item 2.A. is Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)			$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)			$	

	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	$	

SECTION I (Page 2)

PART I – Transferor

1. Name of Transferor	Street Address		
	City	State	ZIP Code
	Telephone Number (include area code)		

2. Authorization which is proposed to be transferred

(a) Call letters _____ Location _____

(b) Has the station commenced its initial program tests within the past twelve months? ☐ Yes ☐ No

If Yes, was the initial construction permit granted after comparative hearing? ☐ Yes ☐ No

If Yes, attach as an Exhibit the showing required by 47 C.F.R. Section 73.3597. Exhibit No.

(c) Has the license for the station been acquired through the Commission's Minority Ownership Policy? ☐ Yes ☐ No

If Yes, has the station been operated on-air for less than the past twelve months? ☐ Yes ☐ No

If Yes, attach as an Exhibit the showing required by 47 C.F.R. Section 73.3597. Exhibit No.

3. Call letters of any SCA, FM or TV booster station, or associated auxiliary service stations (e.g., remote pickup, STL, inter-city relay) which are to be transferred:

4. Attach as an Exhibit a copy of the contract or agreement for transfer of control of the license. If there is only an oral agreement, reduce the terms to writing and attach. Exhibit No.

5. If this application is for transfer of control of an entity holding a construction permit for an unbuilt station, submit as an Exhibit the detailed showings and declarations of the applicants required by 47 C.F.R. Section 73.3597 regarding the transferor's legitimate and prudent out-of-pocket expenditures and the retention, if any, of any interest in the station. Exhibit No.

6. Attach as an Exhibit a full narrative statement as to the means by which transferor has control over the licensee and the manner by which control over licensee is being transferred. Exhibit No.

7. Stock holdings of transferor in licensee:

NAME OF TRANSFEROR	INTEREST HELD		LICENSEE'S TOTAL SHARES OUTSTANDING	
	BEFORE TRANSFER Shares %	AFTER TRANSFER Shares %	BEFORE TRANSFER	AFTER TRANSFER

8. State whether the transferor or any party to the transferor:

(a) has any interest in or connection with an AM, FM or television broadcast station; or a broadcast application pending before the FCC; or ☐ Yes ☐ No

(b) has had any interest in or connection with an application which has been denied or dismised with prejudice; or any FCC license which has been revoked. ☐ Yes ☐ No

If the answer to (a) or (b) is Yes, submit an Exhibit which includes the following information: Exhibit No.

(1) name of party with such interest;
(2) nature of interest or connection, giving dates;
(3) call letters or file number of application; or docket number; and
(4) location.

9. Since the filing of the transferor's last renewal application for the station affected by this transfer or other application, has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

If Yes, attach as an Exhibit a full description of the persons and matter involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Exhibit No.

PART II – Licensee

1. Name of Licensee	Street Address		
	City	State	ZIP Code
	Telephone No. (include area code)		

2. Will the licensee sell any stock or other security not set forth in Section I, Part I herein? ☐ Yes ☐ No

   If Yes, explain in an Exhibit. Exhibit No.

3. State whether the licensee or any party to the licensee (other than as set forth in Question 8, Section I, Part I):

   (a) has any interest in or connection with an AM, FM or television broadcast station; or a broadcast application pending before the FCC; or ☐ Yes ☐ No

   (b) has had any interest in or connection with an application which has been denied or dismissed with prejudice; or any FCC license which has been revoked. ☐ Yes ☐ No

   If the answer to (a) or (b) is Yes, submit an exhibit which includes the following information: Exhibit No.

   (1) name of party with such interest;
   (2) nature of interest or connection, giving dates;
   (3) call letters or file number of application; or docket number; and
   (4) location.

4. Since the filing of the licensee's last renewal application for the station affected by this transfer or other application, has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the licensee or any party to the licensee in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

   If Yes, attach as an Exhibit a full description of the persons and matter involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Exhibit No.

art III – Transferee

1. Name of Transferee	Street Address		
	City	State	Zip Code
	Telephone No. (include area code)		

2. Does the contract submitted in response to Question 4, Part I of Section I embody the full and complete agreement between the transferor and transferee? ☐ Yes ☐ No

If No, explain in an Exhibit. Exhibit No.

SECTION II – TRANSFEREE'S LEGAL QUALIFICATIONS

1. Transferee is:

☐ an individual ☐ a general partnership ☐ a for-profit corporation

☐ other ☐ a limited partnership ☐ a not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership or corporation, describe in an Exhibit the nature of the applicant. Exhibit No.

3. Complete if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. ☐ Yes ☐ No

If No, applicant must complete Question 4 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined by 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant? ☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant. ☐ Yes ☐ No

SECTION II - TRANSFEREE'S LEGAL QUALIFICATIONS (Page 2)

NOTE: The terms "applicant" and "parties to this application" are defined in the Instructions for Section II of this form. Complete information is required as to **each** "party to this application" **AND** where appropriate, **each** "party to this licensee" who are not associated with the transferee. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

4. List the applicant, and, if other than a natural person, its officers, directors, stockholders and partners with attributable interests. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio Applicants ONLY. Radio applicants need not respond to subparts g. and h. of the table. Instead, proceed and respond to Questions 5, 6, and 7, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

a.			
b.			
c.			
d.			
e.			
f.			
g.			
h.			

SECTION II - TRANSFEREE'S LEGAL QUALIFICATIONS (Page 3)

RADIO APPLICANTS ONLY NEED TO RESPOND TO QUESTIONS 5, 6 AND 7.

5. Does the applicant, or any party to the application, own, or have an attributable interest in: (a) any AM, FM or TV station; or (b) a daily newspaper in the same market(s) as the station(s) being acquired? ☐ Yes ☐ No

6. Does the applicant, or any party to the application, broker more than 15 percent of the broadcast hours per week of any AM or FM station in a market in which the applicant, or party to the application, has an attributable interest in any AM or FM station? See 47 C.F.R. Section 73.3555(a) for definition of "radio market." ☐ Yes ☐ No

If the answer to 5 or 6 is Yes, set forth in an Exhibit, name of party having interest; nature of the interest; call letters and location of stations involved; and identification of newspaper, where applicable. Exhibit No.

7. Does the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) of any AM or FM station being acquired overlap the principal community service contour of:

(a) an AM or FM station which is directly or indirectly owned, operated or controlled by the applicant or any party to the application; or ☐ Yes ☐ No

(b) an AM or FM station at which more than 15 percent of the broadcast time per week is brokered by the applicant or any party to the application? ☐ Yes ☐ No

If the answer to (a) or (b) is Yes, do you certify that the ownership interests which will result from grant of the application(s) comply with 47 C.F.R. Section 73.3555(a), or that appropriate waivers of that section are herein sought? ☐ Yes ☐ No

If Yes, attach a separate Exhibit containing the market and audience information necessary to demonstrate compliance. Exhibit No.

Note: With reference to the Radio Contour Overlap Rule of 47 C.F.R. Section 73.3555(a), the applicant's Exhibit must include: (i) a map that clearly identifies, by relevant contours, the location and geographic coverage of the market or markets involved; (ii) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; (iii) for markets with 15 or more commercial radio stations, a combined audience share figure, the basis and/or source material for this figure, and the results and qualification of any commissioned audience survey or alternative showing used; and (iv) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

8. Does the applicant, or any party to the application, have:

(a) a petition pending to migrate to the expanded band (1605-1705 kHz)? ☐ Yes ☐ No

(b) a permit or license in either the existing band (535-1605 kHz) or expanded band (1605-1705 kHz) that is held in combination with the station(s) proposed to be sold? ☐ Yes ☐ No

If Yes, provide particulars as an Exhibit. Exhibit No.

SECTION II - TRANSFEREE'S LEGAL QUALIFICATIONS (Page 4)

9. Does the applicant or any party to this application have any interest in or connection with a broadcast application pending before the FCC? ☐ Yes ☐ No

10. Has the applicant or any party to this application had any interest in or connection with the following:

(a) an application which has been dismissed with prejudice by the Commission? ☐ Yes ☐ No

(b) an application which has been denied by the Commission? ☐ Yes ☐ No

(c) a broadcast station, the license of which has been revoked? ☐ Yes ☐ No

(d) an application in any Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☐ No

If the answer to any of the questions in 9 or 10 is Yes, state in an Exhibit the following information: Exhibit No.

(1) Name of party having interest;
(2) Nature of interest or connection, giving dates;
(3) Call letters of stations or file number of application or docket; and
(4) Location.

11. (a) Are any of the parties to this application related (as husband, wife, father, mother, brother, sister, son or daughter) either to each other or to individuals holding nonattributable interests of 5% or more in the applicant? ☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to this application have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see 47 C.F.R. Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see 47 C.F.R. Section 76.501(a))? ☐ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station. Exhibit No.

12. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction B to Section II.) ☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see 47 C.F.R. Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see 47 C.F.R. Section 76.501(a))? ☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station. Exhibit No.

SECTION II - TRANSFEREE'S LEGAL QUALIFICATIONS (Page 5)

3. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section II.)

☐ Yes ☐ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☐ No

If the answer to (b) above is Yes, attach as an Exhibit a full disclosure concerning this assistance.

Exhibit No.

4. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

15. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

☐ Yes ☐ No

If Yes, provide particulars in an Exhibit.

Exhibit No.

16. Do documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. Section 310(d)) will be obtained?

☐ Yes ☐ No
☐ Does Not Apply

If No, attach as an Exhibit a full explanation.

Exhibit No.

SECTION III - TRANSFEREE'S FINANCIAL QUALIFICATIONS

The applicant certifies that sufficient net liquid assets are on hand or are available from committed resources to consummate the transaction and operate the facilities for three months. ☐ Yes ☐ No

SECTION IV - TRANSFEREE'S PROGRAM SERVICE STATEMENT

Attach as an Exhibit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area. Exhibit No.

SECTION V - TRANSFEREE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more fulltime employees? ☐ Yes ☐ No

If the answer is Yes, the applicant must include an EEO program called for in the separate Model EEO Program Report (FCC Form 396-A).

SECTION VI - CERTIFICATION

Part I - Transferor

1. Has or will the transferor comply with the public notice requirement of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

2. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The TRANSFEROR acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The TRANSFEROR represents that it has not filed this application for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the TRANSFEROR has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the TRANSFEROR'S statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Transferor	Signature
Title	Date

SECTION VI - CERTIFICATION (Page 2)

Part II - Licensee

1. Has or will the Licensee comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

2. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The LICENSEE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The LICENSEE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all its exhibits are a material part hereof and are incorporated herein.

The LICENSEE represents that it has not filed this application for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the LICENSEE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OF CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the LICENSEE'S statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Licensee	Signature
Title	Date

SECTION VI - CERTIFICATION (Page 3)

Part III - Transferee

By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☐ Yes ☐ No

The TRANSFEREE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The TRANSFEREE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all its exhibits are a material part hereof and are incorporated herein.

The TRANSFEREE represents that it has not filed this application for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the TRANSFEREE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OF CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the TRANSFEREE'S statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Transferee	Signature
Title	Date

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commisison will use this information to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 95-579, DECEMBER 31, 1974, 5 U.S.C. 552(e)(3) AND THE PAPERWORK REDUCTION ACT, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0009
Expires 04/30/96

INSTRUCTIONS FOR FCC 316

APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE OR TRANSFER OF CONTROL OF CORPORATION HOLDING BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

A. This form is to be used when applying for authority for assignment of an AM, FM or TV broadcast station construction permit or license or for consent to transfer of control of corporation holding broadcast station construction permit or license where:

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

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

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

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

5. There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or there is an assignment from a corporation to a corporation owned or controlled by the assignor's stockholders without substantial change in their interests.

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

7. There is an involuntary assignment (or transfer) to an Executor, Administrator or other court-appointed officer caused by death or legal disability. (Note: This form does not cover assignments (or transfers) from the Executor, Administrator or other court-appointed officers to the ultimate beneficiary.)

B. The Commission reserves the right to require refiling of the application on Forms 314 or 315, if in its judgment this form does not apply to the assignment or transfer for which approval is sought.

C. Prepare and submit an original and two copies of this form and all exhibits. Number the exhibits serially in the spaces provided in the body of this form. Each exhibit must be dated. The application with all required exhibits should be filed with the appropriate FCC office in accordance with 47 Code of Federal Regulations (C.F.R.), Section 0.401.

D. Information called for by this application which is already on file with the Commission need not be refiled in this application provided: (1) the information is now on file in another FCC form filed by or on behalf of these applicants; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to; and (3) after making the reference, the applicants state: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public.

E. **FEES.** By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to assign or transfer control of a licensee or permittee of an AM, FM or TV broadcast station are required to pay and submit a fee with the filing of FCC Form 316. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are 316 applications filed by noncommercial educational radio and full service TV broadcast station licensees or permittees. To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in response to Question 2(B). FCC Form 316 applications <u>not</u> involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 316 applications, which require the remittance of a fee or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 316 should be mailed or otherwise delivered is set forth in the "Mass Media Services Fee Filing Guide," which can be obtained either by writing to the Commission's Form Distribution Center, 2803 52nd Avenue, Hyattsville, Maryland, 20781, or by calling Telephone No. (202) 632-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Code needed to complete this application.

A separate fee payment must be submitted for each FCC Form 316 filed. Where multiple stations are being transferred or assigned on one FCC Form 316, a single payment covering the total required fee, which is calculated on the basis of the number of AM, FM or TV station permits or licenses that are the subject of that Form 316, can be made.

Payment of any required fee can be made by check, bank draft or money order payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing.

Parties hand-delivering FCC Form 316's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications if an exact copy of FCC Form 316 is provided, along with a self-addressed stamped envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

F. The name of the applicants shall be the exact corporate names, if corporations; if partnerships, the names of all partners and the names under which the partnershipsdo business; if unincorporated associations, the names of executive officers, their offices, and names of the associations.

G. Unless otherwise specified by the parties in their agreement, the licenses for all subsidiary communications services (SCA's), all FM and TV booster stations, and all auxiliary service stations authorized under Subparts D, E, F and H of 47 C.F.R. Part 74 are automatically included in the assignment/transfer of the license of the primary station(s). All booster and auxiliary service stations being assigned/transferred should be identified by their call letters in Question 7.

NOTE: To apply for the assignment/transfer of a permit or license for a TV or FM translator station or a low power television station, a **separate** application form (FCC Form 345) **MUST** be used. The payment and submission of a separate fee with the filing of FCC Form 345 may also be required.

H. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain non-FCC misconduct. In responding to Question 8, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

I. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is an unincorporated association; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his/her knowledge) , he/she shall separately set forth his/her reasons for believing that such statements are true.

J. Be sure all necessary information is furnished and all paragraphs are fully answered. If any portions of the application are not applicable, specifically so state. Defective or incomplete applications may be returned without consideration.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0009
Expires 04/30/96

FOR FCC USE ONLY

FCC 316

APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE OR TRANSFER OF CONTROL OF CORPORATION HOLDING BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

FOR COMMISSION USE ONLY

FILE NO.

1. APPLICANT NAME (Last, First, Middle Initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112):

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)			$	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)			$	

	(A)	(B)	(C)	FOR FCC USE ONLY
(3)			$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (3), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
$	

1. Application for: (check one) ☐ Consent to Assignment ☐ Consent to Transfer of Control

2. Name and post office address of assignor/transferor	3. Send notices and communications to the following named person at the post office address indicated
4. Name and post office address of assignee/transferee	5. Name and post office address of licensee/permittee

6. Authorization which is proposed to be assigned or transferred

Call letters	Location	Class of Station (AM-FM-TV)	File Number

7. Authorizations of any SCA, FM or TV booster station, or associated auxiliary service stations (e.g., remote pickup, STL, inter-city relay) held by licensee (or permittee) which are to be assigned or transferred:

8. Since the filing of the assignor's/transferor's last renewal application for the authorization being assigned or transferred, or other application, has an adverse action been made or final action been taken by any court or administrative body with respect to the applicants (assignor and assignee or transferor and transferee) or any parties to this application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony, mass media related antitrust or unfair competition; fradulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure concerning 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 application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter. Exhibit No.

9. State file numbers of any other pending applications which involve the licensee (or permittee):

10. Attach as an Exhibit a full narrative statement of the circumstances leading to the assignment (or transfer) and the reasons therefor. Fill out Item 14 to show the disposition of stock or partnership interests, both before and after the proposed assignment (or transfer). The name, residence, citizenship and office, if any, of each stockholder (or partner) should also be shown. Exhibit No.

11.a. If the assignment (or transfer) is voluntary:

(1) Attach as an Exhibit all contracts, agreements or understandings (the substance of oral agreements should be reduced to writing) by which the stock (or other interest) is transferred. Exhibit No.

b. If the assignment (or transfer) is involuntary:

(1) In the case of bankruptcy or legal disability of the assignor (or transferor), attach as an Exhibit a certified copy of all court orders pertaining to the assignment (or transfer). Exhibit No.

(2) In case of death of the assignor (or transferor), attach as an Exhibit the Will or Letters Testamentary and all pertinent court orders. Exhibit No.

12. Attach as an Exhibit a statement showing the consideration or thing of value, if any, which is to be given for the stock or interest being assigned (or transferred). If the consideration is monetary, this statement should indicate exactly to whom it is being paid. Exhibit No.

13. Attach as an Exhibit a statement showing other broadcast interests of each new stockholder or partner. Exhibit No.

14. In the following table, in all cases, the interest held before and after transfer must be given in terms of percentages. In the case of corporations, the interest must be stated in terms of shares of stock held as well as the percentage equivalent thereof.

NAME AND RESIDENCE OF STOCKHOLDER, PARTNER, ETC. (CITY AND STATE ONLY)	CITIZENSHIP	INTEREST HELD				TOTAL SHARES OUTSTANDING IF A CORPORATION	
		BEFORE TRANSFER OR ASSIGNMENT		AFTER TRANSFER OR ASSIGNMENT		BEFORE TRANSFER OR ASSIGNMENT	AFTER TRANSFER OR ASSIGNMENT
		SHARES	%	SHARES	%		

15. If legal counsel were employed in the preparation or presentation of this application, give name and mailing address.
For assignor (or transferor):

For assignee (or transferee):

The applicants waive any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request consent to assignment of this license or transfer of control over the licensee corporation in accordance with this application. (See Section 304 of the Communications Act of 1934.) The applicants represent that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict. All the statements made in this application and attached exhibits are considered material representations, and all the exhibits are a material part hereof and are incorporated herein as if set out in full in this appliction. The applicants, or the undersigned on the applicant's behalf, state that they endeavored to supply full and correct information as to all matters which are relevant to this application and that they have done so as to all matters within their own knowledge.

CERTIFICATION

☐ Yes ☐ No

By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

I certify that the statements in this application are true and correct to the best of my kowledge and belief, and are made in good faith.

Name of Assignor (or Transferor)		Name of Assignee (or Transferee)	
Signature		Signature	
Title	Date	Title	Date

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 3 hours and 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, D. C. 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0009), Washington, D. C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0010
Expires 07/31/98

FCC 323
INSTRUCTIONS FOR OWNERSHIP REPORT

1. This report is to be filed by commercial AM, FM and Television broadcast stations and by International broadcast stations as indicated below (see 47 C.F.R. Section 73.3615). If there has been no change since the last filing of this form, a letter may be filed in lieu of a new report, stating that the previously filed report has been examined and is currently accurate.

   (a) By licensee once a year on the anniversary of the station's renewal application filing date. Where the licensee, however, is a partnership that is composed entirely of natural persons, the annual reporting requirement does not apply. Similarly, sole proprietorships (i.e., where the station is licensed to an individual(s)) are not required to file annually.

   If information submitted is equally applicable to each listed station, one annual report may be filed for all such stations; otherwise, a separate report shall be filed for each station on the appropriate filing date.

   (b) By permittee or licensee following the consummation, pursuant to Commission consent, of a transfer of control or an assignment.

   (c) By permittee within 30 days after the grant of a construction permit for a new commercial radio or television broadcast station. The permittee is also required to update its initial report or to certify the continuing accuracy and completeness of that report when the permittee applies for a station license for that new station.

2. File one copy of this report with the Federal Communications Commission. Form 323's not involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a). For "annual" ownership reports that must be submitted with a fee, see 47 C.F.R. Section 0.401(b) and Fee Instructions below.

3. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in connection with such transfers or assignments are FCC Forms 314, 315 and 316. See 47 C.F.R. Sections 73.3540 and 73.3541. It is the responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment. However, for purposes of example only, and for the convenience of interested persons, there are listed below some of the more common types of transfers.

   A transfer of control takes place when:

   (a) An individual stockholder gains or loses affirmative or negative (50%) control (Affirmative control consists of control of more than 50% of voting stock; negative control consists of control of exactly 50% of voting stock.)

   (b) Any family group or any individual in a family group gains or loses affirmative or negative (50%) control (See also instruction 6, Section II.)

   (c) Any group in privity gains or loses affirmative or negative (50%) control.

   The following are examples of transfers of control or assignments of licenses requiring prior Commission consent:

   (a) A, who owns 51% of the licensee's or permittee's stock, sells 1% or more thereof. A transfer has been effected.

   (b) X corporation, wholly owned by Y family, retires outstanding stock which results in family member A's individual holdings being increased to 50% or more. A transfer has been effected.

   (c) A and B, husband and wife, each owns 50% of the licensee's or permittee's stock. A sells any of his stock to B. A transfer has been effected.

   (d) A is the partner in the licensee. A sells any part of his interest to newcomer B or existing partner C. An assignment has been effected.

   (e) X partnership incorporates. An assignment has been effected.

   (f) Minority stockholders form a voting trust to vote their 50% or more combined stockholdings. A transfer has been effected.

   (g) A, B, C, D, and E each own 20% of the stock of X corporation. A, B, and C sell their stock to F, G, and H at different times. A transfer is effected at

such time as 50% or more of the stock passes out of the hands of the stockholders who held stock at the time the original authorization for the licensee or permittee corporation was issued.

FEE INSTRUCTIONS - SECTION I

This section applies ONLY to, and is to be completed ONLY by, licensees filing an "annual" ownership report that must be submitted with a fee. See 47 C.F.R. Section 1.1112. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, a fee is required to be paid and submitted with the filing of a license's "annual" ownership report only. The "annual" ownership report is the Form 323, or the aggregate Form 323's as the case may be when the licensee is directly or indirectly controlled by another entity or if another entity has an attributable interest in the licensee, that is submitted on behalf of the individual AM, FM, or TV broadcast station. Further, where there has been no change in information since the last filing of a station's "annual" ownership report, a letter may be filed on behalf of the station in lieu of a new report, stating that the previously filed "annual" ownership report has been examined and is currently accurate and complete. Such letter certification constitutes the station's "annual" ownership report for that year and the required fee must also be submitted with the letter certification. The "annual" ownership report (whether on Form 323 or a letter certification) is filed on an individual station basis and the required fee is calculated thereon. It is the number of stations for which a report is filed that determines the total fee due; not the number of Form 323's filed in connection therewith.

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All "annual" ownership reports, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee, a copy of a Fee Processing Form (FCC Form 155) which must be submitted with letter certifications, and the addresses to which the "annual" ownership report should be mailed or otherwise delivered is also set forth in the Mass Media Services Fee Filing Guide," which is obtainable either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete Question 2(c), Section I. Payment of any required fee can be made by check, bank draft, money order or credit card payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their ownership report. Applicants who wish to pay for **more than one report** submitted to the same mailing address **with a single payment** also **must** submit FCC Form 159 covering all the reports submitted. Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, question 1, of FCC Form 323. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering "annual" ownership reports may receive dated receipt copies by presenting copies to the acceptance clerk at the time of delivery. For mailed-in "annual" ownership reports, a "return copy" of the report can be furnished provided the applicant clearly identifies the "return copy" and attaches to it a stamped, self-addressed envelope. Only one piece of paper per report will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide." Also see the Commission's Public Notice of June 6, 1990, entitled "Broadcast Annual Ownership Reports (Fee Requirements)", 67 RR 2d 1227.

OWNERSHIP INSTRUCTIONS - SECTION II

1. The name of the licensee or permittee should be stated exactly as it appears on the station's existing license or construction permit. The current street address or post office box used by the licensee or permittee for receipt of Commission correspondence should be set forth. If this information has been set forth in Question 1, Section I, it need not be repeated here.

   Any changes in the name of the licensee or permittee, which does not involve a change in ownership requiring prior Commission approval, can be communicated to the Commission by letter. To report any changes in the mailing address previously used by the licensee or permittee, FCC Form 5072, entitled "Change in Official Mailing Address for Broadcast Station", should be promptly transmitted to the Commission. See 47 C.F.R. Section 1.5.

2. Limited partners in a limited partnership need not be reported IF the limited partners are not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership AND the licensee, permittee or respondent so certifies. A statement assuring this non-involvement must be attached to this report. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership agreement: (a) 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; (b) 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; (c) restricts any exempt limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business; (d) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners; (e) 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 or is adjudicated incompetent by a court of competent jurisdiction; (f) 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 surely for the business; and (g) 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 licensee, permittee or respondent has actual knowledge of a material involvement of the limited partner in the management or operation of the media-related businesses of the partnership. In the event that the licensee, permittee or respondent cannot certify as to the noninvolvement of the limited partners, the limited partners will be considered to be holders of attributable interests regarding whom full information is required.

3. If the licensee or permittee is directly or indirectly controlled by another entity or if another entity has an attributable interest in such licensee or permittee, a separate Form 323 should be submitted for such entity. For successive entities, interests are multiplied. See Instruction 6, below.

4. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee or to its stock must be filed with the Commission, as required by 47 C.F.R. Section 73.3613. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control, or management.

5. Under "Remarks", Question 8, give full information as to any family relationship (parent-child, husband-wife, brothers, sisters), between one or more officers, directors, stockholders, or partners of the licensee or permittee and any other officer, director, stockholder, or partner. A permittee or licensee seeking attribution exemption for eligible officers or directors should identify that individual by name and title, fully describe that person's duties and responsibilities, and explain why that individual should not be attributed an interest.

6. The following interests are attributable (and the holder of the interest is cognizable) and should be reported in response to Question 9:

   If a corporation, all officers and directors and each owner of stock accounting for 5% or more of the outstanding votes in the corporation. (Investment companies, insurance companies, or trust departments of banks need be listed only if the aggregated holding accounts for 10% or more of the outstanding votes, provided the licensee certifies that such entities exercise no influence over the corporation, directly or indirectly, and have no representatives among the officers and directors of the corporation).

   If a single entity holds more than 50% of the voting stock, and a simple majority is all that is required to control corporate affairs, no other stockholder need be reported.

   If any stockholder agreement exists pertaining to cooperative voting accounting for 5% or more of the votes (listed in response to Question 8), list the block of stock as if held by a single entity, and also list (immediately following) any stockholder holding 5% or more of the stock in that block.

   If a partnership list all partners. (If a limited partnership and Question 4 is answered "Yes", list only general partners and only those limited partners that hold interests considered attributable under Instruction 2, explaining that involvement.)

   If the entity for which this report is filed is not the subject licensee, but a minority, non-controlling stockholder or a partner in the licensee, list only those stockholders whose interest, when multiplied by the reporting entity's interest, would account for 5% of more of the votes of the subject licensee; list all

partners. Any entity holding over 50% of its subsidiary will be considered as a 100% owner for reporting purposes. E.g., if this report is filed for corporation X which owns stock accounting for 25% of the subject licensee votes, then only those stockholders of X which hold stock accounts for 20% or more need be listed (25 X .20 = .05). Also, such an entity need report the directors, "executive" officers (president, vice-president, secretary, treasurer or their equivalents), and any other officers with a relationship or responsibility to the licensee, including a responsibility in determining how the entity's stock in the licensee is voted. Also, for such an entity, Questions 7 and 8 need not be answered. See Instruction 5 above with respect to the attribution exemption showing necessary for officers and directors with duties unrelated to the licensee.

If the stock is held in trust, if the trustee has the sole power to vote the stock or shared power to dispose of the assets of the trust, and if the trustee is an independent person with no familial or business relationship with the beneficiary or grantor, then only the trustee shall be reported as "owner" of the stock. If the grantor or beneficiary shares the power to vote, has the sole power to dispose of the stock, or has the power to replace the trustee at will, that party shall also be listed as an "owner" of the stock.

7. For further information regarding the above, see Report and Order in MM Docket No. 83-46, 49 Fed. Reg. 19482 (May 8, 1984), 97 FCC 2d 997, reconsideration granted in part, 50 Fed. Reg. 27438 (July 3, 1984), 58 RR 2d 604, further modified on reconsideration, 52 Fed. Reg. (January 15, 1987), 61 RR 2d 739 (1986).

CERTIFICATION - SECTION III

1. The person certifying the accuracy of the information in this report must be the individual licensee or permittee, a general partner in the licensee or permittee partnership, or an appropriate officer in the licensee or permittee corporation or association. If this report is filed for a respondent and not for a licensee or permittee, the person certifying the accuracy of the information must be a general partner in the respondent partnership or an appropriate officer in the respondent corporation or association.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this report to assess compliance with the Commission's multiple ownership restrictions. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing may be delayed while a request is made to provide the missing information or the report may be returned without action pursuant to the Commission's Rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 7.166 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0010), Washington, DC 20554. DO NOT send completed forms to this address. Individuals are not required to respond to a collection of information unless it displays a currently valid OMB control number.

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

Approved by OMB
3060-0010
Expires 07/31/98

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC 323

OWNERSHIP REPORT

FOR FCC USE ONLY

SECTION I – FEE INFORMATION (For Annual Ownership Report Filers Only)

1. LICENSEE NAME

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE

TELEPHONE NUMBER (include area code)	CALL LETTERS

FOR MAILING THIS REPORT, SEE GENERAL INSTRUCTION 2.

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, explain: _____ ; and go to Section II.

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the services covered by this report. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)			$	
(2)			$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE. →	TOTAL AMOUNT REMITTED WITH THIS APPLICATION $	FOR FCC USE ONLY

SECTION II – OWNERSHIP INFORMATION (for all filers)

1. All of the information furnished in this Report is accurate as of _____, 19 ____

(Date must comply with Section 73.3615(a), i.e., information must be current within 60 days of the filing of this report, when 1(a) below is checked.)

This report is filed pursuant to Instruction *(check one)*

1(a) ☐ Annual 1(b) ☐ Transfer of Control or Assignment of License 1(c) ☐ Other

for the following stations:

Call Letters	Location	Class of service

September 1993 Edition Useable

SECTION II – Ownership Information (continued)

2. Name of Licensee or Permittee

Mailing Address

City	State	ZIP Code

3. Name of entity, if other than licensee or permittee, for which report is filed (see Instruction 3):

Mailing Address

City	State	ZIP Code

4. Respondent is:

☐ Sole proprietorship ☐ Not-for-profit corporation ☐ Limited partnership

☐ For-profit corporation ☐ General partnership ☐ Other:

If a limited partnership, is certification statement included as in Instruction 2? ☐ Yes ☐ No

5. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (see Instruction 3):

6. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules.

7. List all contracts and other instruments required to be filed by Section 73.3613 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration

8. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued

Remarks concerning family relationships, attribution exemptions and certifications: (see Instructions 2, 5 and 6)

SECTION II – Ownership Information (continued)

9. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See Instructions 2, 5 and 6.

Line (Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual, also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interest.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests and the position held.

1	(a)	(b)	(c)
2			
3			
4			
5			
6			
7			
8			

SECTION III – CERTIFICATION

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that I am _____

(Official title, see Instruction 1)

of _____

(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 1, Section II and in no event prior to that date):

Signature	Date

Telephone number of respondent (include area code)

_____

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0084
Expires 4/30/96

FCC 323-E
Ownership Report
For Noncommercial Educational Broadcast Station

INSTRUCTIONS

1. This report is to be filed as follows by noncommercial educational TV, FM or AM broadcast stations (see 4 C.F.R. Section 73.3615):

(a) By licensees with the application for renewal of station license. Licensees with current unamended Ownership Reports on file at the Commission may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report.

(b) By licensees or permittees within 30 days, after the consummation pursuant to Commission consent, of a transfer of control or an assignment of license, or the grant of an original construction permit.

(c) By licensees or permittees within 30 days after changes in the information called for by this form.

(d) File one copy with the Federal Communications Commission, Washington, D. C. 20554. If information submitted is equally applicable to each station above listed, one report may be filed for all such stations; otherwise a separate report shall be filed for each station.

(e) This form is to be filled out completely when filed pursuant to (a) and (b) above. When filled out pursuant to (c), changes only need be noted.

2. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee must be filed with the Commission, as required by 47 C.F.R. Section 73.3613. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control or management.

3. This form should be used to report all types of transactions concerning agreements and voting control.

4. If the licensee or permittee is directly or indirectly controlled by another entity, a separate FCC 323-E should be submitted to report changes in the officers and directors of such entity.

5. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in conection with such transfers or assignments are FCC 314, 315, and 316. It is the prime responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment.

6. The official title of the respondent must be an officer of the licensee or permittee corporation or association, or in case of a governmental or public educational agency, a duly authorized administrative representative thereof.

FOR COMMISSION USE ONLY

File No.

Name of Applicant

Telephone No. (include area code)

1. All of the information furnished is reported as of _____, 19___.

Date must comply with 47 C.F.R. Section 73.3615(d) when box 1(a) below is checked.

This Report is filed pursuant to Instruction (check one)

1(a) ☐ Renewal (b) ☐ Transfer of Control, Assignment of License, or Construction Permit

(c) ☐ Change of prior report, for the following stations:

Call Sign

Type of station

Location

City | State

2. List all contracts and other instruments set forth in 47 C.F.R. Section 73.3613.

Description of contract or instrument

Name of person or organization with whom contract is made

Date of execution

Date of expiration

3. Is the governing board directly or indirectly under the control of another entity? ☐ Yes ☐ No

If "Yes", give name and nature of entity

4. Show the interests in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1% or more ownership interest, if any.

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED

CERTIFICATION

(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.

I certify that the statements in this Report are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

NAME OF LICENSEE OR PERMITEEE	SIGNATURE
TITLE	DATE

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

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

The solicitation of personal information requested in this Report is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this Report to assess compliance with the Commission's regulations and policies. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing may be delayed while a request is made to provide the missing information or the Report may be returned without action pursuant to the Commission's Rules. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Records Management Branch, AMD-IM, Paperwork Reduction Project (3060-0084), Washington, D. C. 20554.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0062
Expires 08/31/98

INSTRUCTIONS FOR FCC FORM 330

APPLICATION FOR ITFS AUTHORIZATION FOR:

- **o New Facilities**
- **o Modification of Existing Facilities**
- **o Receive/Response Stations**
- **o Low Power Relay Stations**
- **o Assignment of License/Transfer of Control of License**

GENERAL INSTRUCTIONS

A. This form is to be used in applying for authority to construct a new Instructional Television Fixed and/or response station(s) and low power relay station(s) or to make changes in an existing station, or for consent to license assignment or transfer of control. This form consists of the following Sections:

I. IDENTIFY OF APPLICANT, REQUESTED FACILITIES
II. LEGAL QUALIFICATIONS OF APPLICANT
III. FINANCIAL QUALIFICATIONS OF APPLICANT
IV. ITFS SERVICE PROPOSAL
V. ENGINEERING DATA
VI. RESPONSE STATIONS
VII. LOW POWER RELAY STATIONS

B. Prepare and submit an original and two copies of this form and all exhibits (plus one extra copy of Sections VI and VII when receive/response and/or low power relay stations are proposed) to:

The Secretary
Federal Communications Commission
Washington, D. C. 20554

C. Number exhibits serially in the spaces provided in the body of the form and attach all exhibits at the end of the application.

D. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. Defective or incomplete applications will be returned without consideration. Furthermore, inadvertently accepted applications are also subject to dismissal.

E. In accordance with 47 C.F.R. Section 1.65, the applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners; if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (*rather than his/her knowledge*), he/she shall separately set forth his/her reasons for believing that such statements are true.

G. Before filing out this application, the applicant should familiarize itself with the Communications Act of 1934, as amended, and 47 C.F.R. Parts 1, 2, 17 and 74.

H. This application form is to be used by a licensee seeking consent to assign its authorization to a new entity or consent to transfer of control of a corporate licensee. The licensee need only submit and sign Section I of the form. The new entity seeking to acquire the license must submit and sign a separate Section I, with the exception of paragraph 4, as well as Sections II-VII of the form, as applicable. If the assignment involves a construction permit for an unbuilt ITFS station, the parties must also submit the required expense itemization and other documentation called for by 47 C.F.R. Section 73.3597.

NOTE: All instructions necessary to complete Sections III, VI and VII are contained in the application form. Instructions to Section I, II, IV and V are also contained in

the application form, except for those additional instructions set forth below:

SECTION I - GENERAL INFORMATION

I. The name of the applicant stated herein shall be the exact corporate name, if a corporation; if an unincorporated association, the exact name of the association; if a governmental or public educational agency, the exact name of such agency. The applicant must notify the Commission of any change of address.

J. A single application should be used for up to four channels, even if from different channel groups, if the associated transmitters are to be located at a common antenna site. Transmitters having different transmitting antenna locations must be filed on SEPARATE applications.

K. Information called for by this application which is already on file with the Commission need not be filed in this application provided: (1) the information is now publicly on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number, and call sign (if any), the FCC form number and the filing date of the application or other form containing the information and the page or paragraph referred to; and (3) after making the reference, the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application the application or other form referred to in its entirety.

SECTION II - LEGAL QUALIFICATIONS

L. As used in this Section, the words "party to this application'" mean: (a) in the case of a corporate applicant with outstanding stock, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock, and persons who voted any of the voting stock at the last stockholders meeting; (2) in the case of any other applicant which is not a governmental or public education agency, all executive officers, members of the governing board, and owners or subscribers to any membership or ownership interest in the applicant; and (3) in the case of an applicant which is a governmental or public educational agency, the members of the governing board and chief executive officers thereof.

M. A "local" licensee (or applicant) is an institution or organization that is physically located in the community or metropolitan area where service is proposed. For a college or university, this would include any area where it has a campus. An educational organization will generally be regarded as "local" if the address of the organization's headquarters is located within the area where the facility is sought. An entity created by a state or local government for the purpose of serving formal educational needs will be considered "local" throughout the area within the government's jurisdiction over which its authority is intended to extend. An educational entity located within a state and created by affiliated educational institutions within that state, including hospitals, will be considered "local" in those areas where the member institutions are located.

If the applicant is a nonlocal entity, or if it is a local nonprofit organization formed for the purpose of serving accredited institutional or governmental organizations, a letter written and signed by the administrator or authority responsible for each receive sites' curriculum planning must be submitted. Each letter must indicate that the official has viewed the applicant's program offerings and that such programming will be incorporated in the site's formal educational curriculum. The letter should incorporate a proposed weekly schedule of programming (using page 2, Section IV of Form 330) to indicate the types of programming and hours per week of formal and informal programming the site expects to use. The letter should also discuss the site's involvement in the planning, scheduling and production of programming. The letter must constitute a firm commitment to use the applicant's service. If the official cannot make a commitment without the consent of a higher authority, the official should obtain the consent before submitting its letter. If the applicant is nonlocal, the letter must also confirm that a member of the site's staff will serve on a local program committee, composed of school representatives, which will select and schedule programming received over the system and aid in any local production of programming.

N. Section 310 of the Communications Act of 1934, relating to interests of foreign governments and aliens, provides: (a) The station license required under this Act shall not be granted to or held by any foreign government or the representative thereof; and (b) No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by: (1) any alien or the representative of any alien; (2) any corporation organized under the laws of any foreign government; (3) any corporation of which any officer or director is an alien or of which more than on-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under laws of a foreign country; and (4) any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record

or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

O. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 6, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

SECTION IV - SERVICE PROPOSAL

P. An applicant seeking more than four ITFS channels in an area, or already authorized for four or more channels in an area, must submit a request for waiver of 47 C.F.R. Section 74.902(c). Such request must include a complete description of how the additional channels will be used to accommodate the applicant's needs and why the applicant's present capacity is insufficient to meet those needs. The waiver burden will be exceedingly high, particularly in areas where a large demand for channels exists. Any request for more than four ITFS channels that does not include a showing in support of a waiver will be summarily dismissed.

Q. Formal or for-credit programming may include programming delivered to nonschool sites, such as businesses or homes. If the entire program service will be delivered to nonschool sites, however, the applicant must submit an exhibit stating the school(s) and degree(s) or diploma(s) for which the formal programming will be offered, including a description of the administration of the course(s). The applicant must submit letters, written and signed by the authorities responsible for the schools' curricula, verifying each of these points. For-credit programming may also include programming offered by hospitals for students to earn medical and allied health degrees and certificates.

R. Before a licensee may use excess capacity on its ITFS system for non-ITFS purposes, every channel so used must carry at least 20 hours per week of ITFS service between 8:00 a.m. and 10:00 p.m. from Monday through Saturday, excluding holidays and vacation days. The 20 hours must include at least 3 hours per weekday (Monday-Friday). If the channel is leased to another party and will carry less than 40 hours per week of ITFS service, the lease agreement must provide for the reservation or ready recapture of sufficient additional hours to provide the licensee with control over at least 40 hours per week for ITFS service. The reserved or recapturable time must also occur between 8:00 a.m. and 10:00 p.m. from Monday through Saturday, excluding holidays and vacation days, and must include licensee control over at least 6 hours per weekday. The lease agreement must not require the licensee to pay the lessee or forego revenues or lease payments for hours recaptured within this 40-hour provision or to notify the lessee unreasonably far in advance of any recapture necessary to comply with this 40-hour provision. Furthermore, the licensee must retain the right to adjust to changing needs, although stricter scheduling provisions, more protective of the lessee, may pertain to any recapture by the lessor of additional hours beyond the 40 core hours of airtime.

SECTION V - ENGINEERING DATA

S. Temporary Fixed Station. Operation of a temporary fixed station (TFS) is limited to the licensee's geographical area and must be coordinated with other area licensees. Applicants for TFS must specify the call letters or file number of the station requesting the facility. If the application is for both a new station and to utilize a TFS, complete one copy of Section V, page 1 for each proposed operation.

T. The following guidance is provided for the question regarding environmental impact:

1. Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communication facility(ies) may have a significant environmental impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

   a. A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

   b. A facility whose construction will involve significant change in surface features.

   c. The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

   d. The facilities or the operation of which will cause exposure to workers or the general public to levels of radio frequency radiation in excess of the "Radio Frequency Protection

Guides" recommended in "American National Standard Safety Levels with respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95.1-1982), by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017.

2. If you answer Yes, submit the required Environmental Assessment (EA). The EA includes for antennas towers and satellite earth stations:

   a. 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.

   b. A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

   c. A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

   d. A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.

3. The information submitted in the EA shall be factual (not argumentative of conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

4. The EA shall also be accompanied with evidence of site approval, as obtained from local or federal land use authorities.

5. To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA. However, adequate cross-reference to such information shall be supplied.

6. An EA does not need to be submitted to the Commission if another agency of the Federal Government has assumed responsibility: (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment and (b), if it will affect the environment, for invoking the environmental impact statement process.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0062), Washington, D.C. 20554.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-611, DECEMBER 11,1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0062
Expires 08/31/98

COMMISSION USE ONLY: File No.

APPLICATION FOR AUTHORIZATION TO CONSTRUCT NEW OR MAKE CHANGES IN AN INSTRUCTIONAL TELEVISION FIXED AND/OR RESPONSE STATION(S), OR TO ASSIGN OR TRANSFER SUCH STATION(S)

(Read instructions before filling out Form - RETURN ONLY FORM TO FCC)

SECTION I - GENERAL INFORMATION

Name and address of applicant (See Instruction I)

Name	Address		
	City	State	ZIP Code

Name and address of person to whom notices and communications should be sent:

Name	Address		
	City	State	ZIP Code

1. Application for: (Check as many as apply)

☐ New Station ☐ Minor Change ☐ Major Change

☐ STL ☐ Receive/Response Stations ☐ Relay Station

☐ Assignment of license/transfer of control (See Instruction H) ☐ Booster Station ☐ Amendment

2. Requested facilities for new ITFS Station (See Instruction J)

a. Channel No.(s):	b. Principal area to be served: (Include School District or other descriptive location, where applicable)	c. Other ITFS channel(s) authorized to applicant in area, if any:	
		Channel(s)	Call Letter(s)

3. If requesting authority to make changes in an existing station, authorization or pending application:

a. Call letters:	b. Pending application file number	c. Channel No.(s)	d. Principal area served:

All previous editions obsolete.

e. If this application is for changes in an existing authorization, complete Section I and any other sections necessary to show all substantial changes in information filed with the Commission in prior applications. In the space below, check Sections submitted herewith. As to Sections not submitted herewith, refer to the prior application containing the requested information, in accordance with Instruction K.

	Reference (File No./Para. No./Date)		Reference (File No./Para. No./Date)
☐	Section II	☐	Section V
☐	Section III	☐	Section VI
☐	Section IV	☐	Section VII

Have there been any substantial changes in the information incorporated in this application by reference? ☐ Yes ☐ No

If Yes, submit an Exhibit giving full particulars. Exhibit No.

4. If this application is for consent to an assignment of license or transfer of control of a licensee, submit the following, as an Exhibit:

a. A brief narrative description of the transaction. Exhibit No.

b. A copy of the contract or agreement for sale of the assets or transfer of control. (If there is only an oral agreement, reduce the terms to writing and attach.) Exhibit No.

c. Station(s) being assigned have had their license(s) renewed through (date(s)): _____

THE APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934.)

THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant	Signature
Title	Date

If applicant is represented by legal and/or engineering counsel, state name(s) and address(es):

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISIONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION II LEGAL QUALIFICATION	Name of Applicant	For Commission Use Only File No.

1. Indicate the legal nature of the applicant:

   ☐ School engaged in the formal education of enrolled students (e.g., public or private school, college of university).

   ☐ Government organization engaged in the formal education of enrolled students (e.g., school board, school district).

   ☐ Nonprofit organization whose purposes are educational and include providing formal education to the entities listed above (e.g., state educational television commission, noncommercial educational broadcast licensee, hospital association, college consortium).

2. Is the applicant "local" in the community served by this application? (See Instruction M.) ☐ Yes ☐ No

   If No, attach an Exhibit explaining the composition and function of the local program committee, as required by 47 C.F.R. Section 74.932. (See Instruction M.) Exhibit No.

3. Is the applicant (or its members) an accredited entity? ☐ Yes ☐ No

   a. If Yes, state:

      Date accredition was conferred:

      Name of accredited agency or organization:

      Accrediting agency/organization is ☐ regional or ☐ state accrediting body.

   b. If applicant is providing service to its own enrolled students, list by number in the chart in c. below, those receive sites set forth in Section VI at which its students will be served.

   c. If No, or if the applicant is not providing service to itself with the requested facilities, applicant will serve the following accredited entities:

Name of School/Institution	Accredition Date	Accrediting agency or organization (indicate state - "S" or regional - "R")	Receive Site Number

These entities must be included in the receive site list in Section VI. Attach as an Exhibit letters from these named schools or institutions demonstrating their intent to utilize the service proposed by the applicant. (See Instruction M.) Exhibit No.

4. Does the applicant or any party to this application have now, or has applicant or any such party had, any interest in, or connection with, the following:

   a. Any ITFS or noncommercial educational television broadcast station? ☐ Yes ☐ No

   b. Any application pending before the Commission for ITFS or noncommercial educational television broadcast station? ☐ Yes ☐ No

   c. Any license or other authorization from the Commission which has been revoked? ☐ Yes ☐ No

   d. Any interest in, or connection with, any application that has been denied or dismissed with prejudice by the Commission? ☐ Yes ☐ No

   If the answer to any of the foregoing parts of this paragraph is Yes, show particulars in the table below. Give purpose of each ITFS station listed (e.g., STL, relay).

   If revocation, dismissal, or denial, attach explanation as an Exhibit. Exhibit No.

(1) Name of party having such interest	(2) Nature of interest or connection (giving dates)	(3) Name of other applicant or call letters of station	(4) FCC File Number

5. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction N.) ☐ Yes ☐ No

6. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant(s) or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

   If the answer is Yes, attach as an Exhibit a full disclosure concerning 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 application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter. Exhibit No.

7. Is the applicant directly or indirectly controlled by another legal entity? ☐ Yes ☐ No

   If Yes, attach an Exhibit stating the name of such other legal entity and how such control, if any, exists and the extent thereof. Exhibit No.

8. Give the following information as to applicant's officers, members of governing board, and stockholders. (Any stockholder(s) that is not a natural person must provide the same information regarding its principals.)

Name and Residence	Office Held	Citizenship	Principal Profession or Occupation	By Whom Appointed or Elected

9. Are there any contracts or arrangements now in existence, as well as any arrangements or negotiations, written or oral, which relate to the present or future ownership, control, operation, or use of the station, including the use of excess channel capacity for non-ITFS purposes? ☐ Yes ☐ No

   If Yes, attach as an Exhibit a copy of all such documents, instruments or contracts and state the substance of oral contracts or understandings. Exhibit No.

NOTE: The applicant must maintain ultimate control over all airtime not subject to lease; any lease agreement cannot be for a period of more than 10 years.

SECTION III FINANCIAL QUALIFICATION	Name of Applicant	For Commission Use Only File No.

NOTE: IF THIS APPLICATION IS FOR A CHANGE IN AN OPERATING FACILITY, DO NOT FILL OUT THIS SECTION.

1. a. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration? ☐ Yes ☐ No

   b. Is this application contingent upon the receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision? ☐ Yes ☐ No

NOTE: If either a or b is answered Yes, your application cannot be granted until all the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on your part is required. If you rely on funds from a source specified in Question b, YOU MUST ADVISE THE F.C.C. WHEN THE FUNDS ARE COMMITTED OR APPROPRIATED. This should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the original application, and clearly identifying the application to be amended.

2. Except as indicated in Question Numbers 1a and 1b above, the applicant certifies that:

   a. It has a reasonable assurance of present commitments from each donor, from each party agreeing to furnish capital, from each bank, financial institution or others agreeing to lend funds, and from each equipment supplier agreeing to extend credit. ☐ Yes ☐ No

   b. It can and will meet all contractual requirements as to collateral, guarantees, and capital investments or donations. ☐ Yes ☐ No

   c. It has determined that a reasonable assurance exists that all such sources (excluding banks, financial institutions, and equipment manufacturers) have sufficient net liquid assets to meet these commitments. ☐ Yes ☐ No

3. The applicant certifies, except as noted above, that sufficient net liquid assets are on hand or available from committed sources to construct and operate the requested facilities for three months without additional funds. ☐ Yes ☐ No

SECTION IV SERVICE PROPOSAL	Name of Applicant	For Commission Use Only File No.

1. Attach as an Exhibit the applicant's purpose and objective in establishing the proposed station and a statement of proposed program policies. — Exhibit No.

2. Will the applicant's request result in its authorization for more than four ITFS channels within 32 kilometers of the transmitting antenna site? — ☐ Yes ☐ No

   If Yes, submit as an Exhibit a showing in support of a waiver of 47 C.F.R. Section 74.902(c) , including call letters and uses of any existing stations, and the availability of other ITFS channels in the area to be served. (See Instruction P.) — Exhibit No.

3. Attach as an Exhibit an explanation of the need for the number of channels requested, based on the submitted schedules of weekly service. See paragraph 5, below. — Exhibit No.

4. If the requested facilities will replace an E- or F-channel group currently authorized to the applicant, does the applicant claim that such relocation is necessary to meet increased demand for its services which cannot be accommodated on its present E- or F-channel group facilities? — ☐ Yes ☐ No

   If Yes, attach a narrative justification as an Exhibit, specifically describing the expansion of service and the limitation on such expansion imposed by the grandfathered status of the existing facilities. — Exhibit No.

5. For each channel requested, complete one copy of the chart on page 8 with a proposed weekly schedule of ITFS programming together with a brief description of programs not recognizable by their titles. Indicate by "F" those programs which are delivered to enrolled students for academic credit. Indicate by "L" those programs which are produced by the applicant. (See Instruction Q.)

6. With respect to each channel, answer the following questions:

	1	2	3	4
Total hours formal education programming for credit for enrolled students on this channel:				
Total hours other ITFS service (see 47 C.F.R. 74.931(b)) on this channel:				
Will some airtime on this channel by used for non-ITFS purposes?	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
If Yes, total hours which are not accounted for in the chart on page 8 over which applicant will maintain control by reservation or preemption authority (See Instruction R.):				

7. Cite by reference the provision(s) in the lease agreement that empowers the licensee to reserve or recapture airtime for ITFS service: _____

SECTION IV - Page 2

Specify Channel (one chart per channel): Channel _____

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
8:00 AM						
8:30						
9:00						
9:30						
10:00						
10:30						
11:00						
11:30						
12:00 PM						
12:30						
1:00						
1:30						
2:00						
2:30						
3:00						
3:30						
4:00						
4:30						
5:00						
5:30						
6:00						
6:30						
7:00						
7:30						
8:00						
8:30						
9:00						
9:30						
10:00						

SECTION V ENGINEERING DATA	Name of Applicant	For Commission Use Only File No.

1. Purpose of authorization applied for: (indicate by check mark)

☐ (a) Construct a new station ☐ (b) Utilize a temporary fixed station (See Instruction S)

☐ (c) Modify an existing authorization or application to make changes in the following:

☐ 1. Transmitting location ☐ 5. Low Power Relay Station(s) ☐ 9. Channels: ☐ Add ☐ Change

☐ 2. Transmitter antenna type, gain or directivity ☐ 6. Protected Service Area ☐ 10. Other (describe below:

☐ 3. Transmitting antenna height ☐ 7. EIRP

☐ 4. Add receive sites ☐ 8. Response/receive station(s)

File number and call of authorization or application to be modified: _____

NOTE: In applications for changes in existing authorizations, only the following items pertinent to the proposed changes need to be completed.

2. Facilities requested:

NOTE: Use a separate column for each transmitter located at the site specified in Item 3 below. Include only transmitters having a common antenna site in this application. A separate application is required for each different transmitter location.

(a) Transmitter Identification No.	T1	T2	T3	T4	T5 (for modification of existing facilities only)
(b) Channel No. 1					
(c) Frequency Offset and Frequency Stability 2					
(d) Station Purpose 3					
(e) Signal Source (For relay station only) 4					
(f) Transmitter Make and Model No. 5					
(g) Transmitter Rated Output Power 6					
(h) Emissions Designator 7					
(i) Proposed Transmitting Operating Output Power 8					
(j) Transmitting Antenna Make and Model No. 9					
(k) Transmitting Antenna Beam Width 10					
(l) Transmitting Antenna Maximum Lobe Gain (dB) 11					
(m) Transmitting Antenna Azimuth 12					
(n) Transmitting Antenna Structure Overall Height Above Ground 13					
(o) Transmitting Antenna Radiation Center Above Mean Sea Level 14					
(p) Ground elevation of Transmitting Antenna (m) 15					
(q) Transmission Losses 16					
(r) Effective Isotropic Radiated Power (dBW) 17					
(s) Polarization of Radiated Signals 18					

1/ Use channel designators shown in 47 C.F.R. Section 74.902 for particular frequency band limit proposed, such as A-1, A-2, A-3, etc.
2/ Specify either "zero," "plus" or "minus" and the transmitting frequency stability. (NOTE: Co-channel interference defined in 47 C.F.R. Section 74.903(a)(1).
3/ Specify either "Originating," "Relay" or "STL."
4/ When station is to be used as a Relay Station, indicate source of signal; i.e., other instructional TV fixed station, educational or commercial TV station, or other class of station, by entering call or file number and location of station to be relayed.
5/ Use abbreviation of manufacturer's name with model designation.
6/ Specify output power (peak visual) in watts as rated by manufacturer.
7/ Specify emissions designator to be used.
8/ Specify proposed operating output power (peak visual).
9/ Use abbreviation of manufacturer's name with model designation.
10/ Specify the transmitting antenna beam width.
11/ Specify maximum power gain (dB) in horizontal plan with respect to isotropic radiator.
12/ Specify azimuth with respect to true north.
13/ Specify proposed overall height of the antenna tower structure above ground level in meters.
14/ Specify proposed center of radiation element above ground level in meters.
15/ Specify ground elevation at the proposed transmitting antenna structure in meters.
16/ Line loss (waveguide), combiner, etc.
17/ Specify equivalent isotropically radiated power in the direction of maximum radiation.
18/ Specify polarization of radiated signal, such as horizontal, vertical, left or right hand circular, etc.

t. Has each of the above-listed transmitters been type accepted by the FCC for this service? ☐ Yes ☐ No

If answer is No, attach a complete showing of transmitter details as an Exhibit, including technical specifications and schematic diagram. If this information is presently on file with the FCC by the manufacturer, omit such information from application and check here. ☐

Exhibit No.

3. Proposed transmitter location:

a.	City	County	State

Address or other description of location:

Geographical coordinates of transmitting antenna(s) to the nearest second:

North Latitude			West Latitude		
°	'	"	°	'	"

b. Will the proposed transmitting antenna supporting structure be shared with another instructional television fixed station or station of any other classification? ☐ Yes ☐ No

If Yes, list the call sign and classification of each such station:

c. Attach as an Exhibit a map or maps of appropriate scale and detail (preferably U.S. Geological Survey Topograph Quadrangles) for the proposed area to be served by this station and shown drawn thereon the following:

Exhibit No.

(1) Scale of miles and meters.
(2) Direction of true north.
(3) Outline of school district or other area intended to be served by proposed system.
(4) Location of proposed transmitting site, accurately plotted.
(5) Location of all known radio stations (except amateur), such as FM, TV, instructional TV fixed, operational fixed, police, fire, aeronautical, etc., and known commercial or government receiving sites, located within 1000 feet of the proposed site. List all AM stations within 2 miles of the proposed site.
(6) Location of each receiving, response, or low power relay station intended to be served by this station. Each receiving or response station location should be identified by an individual symbol, such as R1, R2, etc. (for receiving locations) and RT1, RT2, etc. (for each location having response transmitters). Low power relay stations can be identified by LPR1, LPR2, etc.

NOTE: Where the receiving, response stations, or low power relay station sites for the proposed system are so widely separated geographically that to show them on the same or several maps would result in an unwieldy and voluminous exhibit, it will be acceptable to furnish a reduced composite exhibit consisting of a sketch drawn approximately to scale showing the azimuthal and distance relationship between the transmitting and receiving, response station, and relay, if used. In any event, the sites shall be shown plotted on a map as described above.

d. Attach, as Exhibits, a map or sketch, drawn to scale, showing the boundaries of all local and county, public and private school districts in and adjoining the area to be served, and the location or locations of the proposed transmitters. Since it is the purpose of the required maps or sketches only to show the geometric configuration of the proposed ITFS system and the pattern of school districts in which separate ITFS systems may be needed, they should not be cluttered with unnecessary details. Main roads may be shown for the purpose of relating the simple map or sketch with maps showing more detail. Major topographic features which affect the choice of transmitting sites, or would serve to contain potential interference, should be indicated.

Exhibit Nos.

(1) Attach, as Exhibits, separate vertical plan views of the antenna installation of the transmitting and each receiving low power relay station or response station location proposed, showing the ground elevation of the site above mean sea-level, the height above ground of any building or other man-made structure on which the antenna(s) will be mounted, giving separate vertical dimensions for the building or other existing structure which may be used, and the entire height above ground of the tower or mast proposed to be erected to support the antenna(s). Indicate the overall height above ground for each antenna and its geographical coordinates. Each sketch shall be prepared on an 8 1/2 x 11 inch sheet. The reference numbers used above, such as T1, T2, R1, R2, RT1, RT2, etc., should be used to identify the various transmitting, receiving, and response station locations. Low power relay stations should be shown as LPR1, LPR2, etc.

Exhibit Nos.

(2) With each vertical plan view for the transmitting antenna(s), associate a separate 8 1/2 x 11 inch sheet containing a polar diagram of the horizontal relative FIELD pattern and indicate the direction of true north with respect to the proposed antenna orientation. Also label the polar diagram at the appropriate point with the maximum horizontal radiation lobe power gain expressed in dB with respect to an isotropic radiator.

(3) Receiving antennas that are mounted on buildings which would not increase the overall structure height more than 20 feet may be shown on a single exhibit and labeled as a typical receive site(s) for such designated sites. The geographical coordinates need not be specified on this Exhibit.

(4) Attach as an Exhibit a polar diagram of the radiation pattern (relative field) in the horizontal plane of the transmitting antenna showing clearly the correct relationship between the major lobe or lobes and the minor lobes of radiation and a tabulation of the pattern at every ten degrees and all maxima and minima. If a non-directional transmitting antenna will be employed (i.e., an antenna with an approximately circular radiation pattern), check here ☐ and omit polar diagram and tabulation. Also, attach for each receive antenna the plane and cross polarization antenna gain pattern envelope and a tabulation of these patterns at every two degrees from 0 to 180 degrees in dB gain below the maximum. If the antennas manufacturer and model number are on the Commission's list of common "off-the-shelf" directional antennas, check here ☐ and omit those polar diagram(s) and tabulation(s).

Exhibit No.

NOTE: The receive sites are to be listed in increasing order by latitude degrees, latitude minutes, latitude seconds, longitude degrees, longitude minutes and longitude seconds.

e. Attach as an Exhibit a list of all existing and pending channel and adjacent channel stations considered for this application.

Exhibit No.

Attach as an Exhibit, a cochannel interference analysis showing that this proposal provides protection to all existing stations and pending applications (47 C.F.R. Section 74.903).

Exhibit No.

Attach as an Exhibit, an adjacent channel interference analysis showing that this proposal provides protection to all existing stations and pending applications (47 C.F.R. Section 74.903).

Exhibit No.

f. If this proposal does not provide protection to an existing station in compliance with 47 C.F.R. Section 74.903 , submit as an Exhibit an agreement between the station licensee and the applicant herein to resolve any objectionable interference caused to the existing station by this proposal.

Exhibit No.

If this proposal does not provide protection to other pending applications, submit as an Exhibit an agreement between the applicant(s) to accept or resolve any mutual or objectionable interference between the proposed operations.

Exhibit No.

4. If applicant is leasing excess capacity to a wireless cable operator pursuant to 47 C.F.R. Section 74.931(e)(2), is protected service area as defined in 47 C.F.R. Section 21.902(d) requested?

☐ Yes ☐ No

5. Pursuant to Part 77 of the Federal Aviation Regulations, is notification to the FAA required for the construction proposed herein? If Yes, the FAA has been notified of certain construction or alteration of antenna structures and Form FAA-7460-1 was filed with the regional office located in:

☐ Yes ☐ No

City, State	Date

When FAA clearance is received, please submit a copy to be filed with application.

6. Does this application propose to construct or modify a station in an area where radio use is restricted under 47 C.F.R. Section 73.1030?

☐ Yes ☐ No

If Yes, has the appropriate authority been notified? Give name of authority notified and date of notification.

Name	Date

7. Would a Commissin grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? (See Instruction T.)

☐ Yes ☐ No

Exhibit No.

If Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

If No, explain briefly.

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name	Telephone Number (include area code)
Address	Signature
City, State (include ZIP Code)	Date

☐ Technical Director

☐ Registered Professional Engineer

☐ Consulting Engineer

☐ Chief Operator

SECTION VI	1. Name of Applicant:	2. Frequencies:

Instructions:

A. Include on any single page, transmitters of only one frequency and enter the frequency in Item 2.

B. In Column (3), use R1, R2, etc. for receiving only locations; use RT1, RT2, etc for locations having response transmitters.

C. For each receive site specified below, list in column (10) the contact person responsible for implementation of the ITFS programming at that site

Site Number	Location and Coordinates (for location, give full name of school or bldg.; street address)	Azimuth to ITFS Station	Distance to ITFS Station (in kilometers)	Make of Transmitter Type & Power (Response)	Make of Antenna Type & Gain (Receive)	Receive Site Polarization	Contact Person (Name, Title and Telephone Number)
(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

NOTE: All schools which appear in Section II, Question 3 must appear in the above chart; if no schools are included above, attach as an Exhibit an explanation of the administration of exclusively off-campus formal education upon which the applicant relies to establish its eligibility. See Instructions Q. (See Section 74.931(a)(1).)

Exhibit No.

(If additional space is required, use additional letter-size pages with same format and headings as this page, and indicate the number of pages in space provided at the top of this page.)

SECTION VII	1. Name of Applicant:	2. Call sign of ITS Station:

Instructions: (a) Include on any single page of this section all transmitters at one location.
(b) Attach sketch of transmitting and receiving antennas showing pertinent heights.

FREQUENCIES: Output channels _____ Input channels _____ .

Site Number	Location and Coordinates (for location, give name of bldg., if any, street address etc.)	Make of transmitter, type & power	Make of antenna, type & gain	Antenna orientation & polarization	Antenna: height AGL & AMSL
(3)	(4)	(5)	(6)	(7)	(8)

(If additional space is required, use additional letter-size pages with same format and headings as this page, and indicate the number of pages in space provided at the top of this page.)

United States of America
Federal Communications Commission
Washington D.C. 20554

Approved by OMB
3060-0066
Expires 4/30/88

(THIS SPACE FOR COMMISSION USE ONLY)

APPLICATION FOR RENEWAL OF INSTRUCTIONAL TELEVISION FIXED STATION AND/OR RESPONSE STATION(S) AND LOW POWER RELAY STATION(S) LICENSE

INSTRUCTIONS

A. This form is to be used in applying for renewal of license for an Instructional Television Fixed Station and/or Response Station(s) and Low Power Relay Station(s).

B. Prepare original and two copies of this form and all exhibits. Sign one copy. File all the above with the Federal Communications Commission, Washington, D.C. 20554.

C. Number exhibits serially in the spaces provided in the body of the form and list each exhibit in the space provided on page 2 of this form. Date each exhibit.

D. The name of the applicant must be stated exactly as it appears on the current license. The applicant must notify the Commission of any change of address.

E. Information called for by this application which is already on file with the commission need not be refiled in this application provided: (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference, the applicant states "No change since date of filing." Any such reference will be considered to incorporate into this application the application or other form referred to in its entirety. Do not incorporate by reference any material which is not to be open to the public.

F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed official as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of her/his absence from the United States. The attorney shall, in the event she/he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge) she/he shall separately set forth reasons for believing that such statements are true.

G. BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.

Name of applicant (See Instruction D)

Street Address

City	State	ZIP Code

Send notices and communications to the following named person at the post office address indicated below:

Name

Street Address

City	State	ZIP Code

4. Is applicant, or any person directly or indirectly controlling applicant, party to a suit in any Federal Court involving the monopolizing, or an attempt to monopolize radio communication directly or indirectly through control of the manufacture or sale of radio apparatus, by exclusive traffic arrangement, or by any other means, or of using unfair methods of competition?

☐ Yes ☐ No

If Yes, attach as Exhibit No. _____, a full description of the proceeding, identifying the court and showing where records of the proceeding may be obtained. If applicant is party to such a case describe fully the proceeding, identify the court and show where records of the proceeding may be obtained. (See Section 313 of the Communications Act of 1934.)

5. Has there been any change with respect to the applicant's citizenship status or with respect to representation of alien or foreign governments?

☐ Yes ☐ No

If Yes, give full details, in Exhibit No. _____

6. Are there any documents, instruments, contracts or understandings relating to ownership, use of control of the station facilities, or any right or interest therein?

☐ Yes ☐ No

If Yes, attach as Exhibit No. _____, copies of all such documents, instruments or contracts and state the substance of oral contracts or understandings.

7. Transmitting apparatus

Manufacturer	Type No.

8. Location of transmitter

State	County	City

Number and street (or other indication of location)

1. Renewal requested for following existing facilities

Channel No.(s)	Call sign

2. Principal area to be served
(School district or other descriptive location)

3. (a) Have any changes, either additions or deletions, been made in the receiving locations from that described in the last application for license or renewal of license?

☐Yes ☐No

If Yes, attach as Exhibit No. ____, furnishing details of such changes.

(b) Approximately how many persons are currently receiving material transmitted?

MORTON COLLEGE
LEARNING RESOURCES CENTER

9. Does the programming differ significantly from that described in the last application for license or renewal of license?

☐ Yes ☐ No

If "Yes," attach Exhibit No. _____ furnishing details of such changes.

10. Does applicant contemplate any major changes in future program service?

☐ Yes ☐ No

If "Yes" attach Exhibit No. _____ , furnishing details of such changes.

11. Give the percentage of total system time devoted to the following categories of service, based on your most recent year of operation (refer to Section 74.931 of the FCC Rules and Regulations, concerning purpose and permissible service):

a. Instructional and cultural material to students enrolled in accredited public and private schools, colleges and universities. _____ %

b. In-service training, instruction in special skills and safety programs, extension of professional training, informing persons and groups engaged in professional and technical activities of current developments in their particular fields, and other similar endeavors. _____ %.

c. Administrative activities of the licensee, such as the holding of conferences with personnel, distribution of reports and assignments, exchange of data and statistics, and other similar uses. _____ %.

THE APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934).

THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this _____ day of _____ 19 ___

_____
(NAME OF APPLICANT)

By _____
(SIGNATURE)

Title _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT U.S. CODE, TITLE 18, SECTION 1001.

EXHIBITS furnished as required by this form:

Exhibit No.	Section and Para. No. of Form	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepared (show which)	Official Title

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested Authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C 3507.

Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0034
Expires 11/30/94

Instructions for FCC 340

Application for Construction Permit for Noncommercial Educational Broadcast Station

(FCC Form 340 attached)

GENERAL INSTRUCTIONS

A. This FCC form is to be used to apply for authority to construct a new noncommercial educational AM, FM or TV broadcast station, or to make changes in the existing facilities of such a station. It consists of the following sections:

I. GENERAL INFORMATION
II. LEGAL QUALIFICATIONS
III. FINANCIAL QUALIFICATIONS
IV. PROGRAM SERVICE STATEMENT
V. ENGINEERING DATA AND ANTENNA AND SITE INFORMATION
VI. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
VII. CERTIFICATION

An applicant for change in facilities need file only Sections I, V and VII. Do not file Sections II, III, IV and VI.

B. Prepare and submit an original and two copies of this form, all exhibits, and any subsequent amendments to:

The Secretary
Federal Communications Commission
Washington, D. C. 20554

C. Many references to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with current broadcast rules in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking and Lighting of Antenna Structure"
(4) Part 73 "Radio Broadcast Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D.C. 20402. You may telephone the GPO Order desk at (202) 783-3238 for current prices.

D. A copy of this completed application and all related documents shall be made available for inspection by the public, pursuant to 47 C.F.R. Section 73.3527.

E. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. **Defective or incomplete applications will be returned without consideration.** Furthermore, inadvertently accepted applications are also subject to dismissal.

F. In accordance with 47 C.F.R. Section 1.65, the applicant has a **continuing obligation** to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

G. Amendments to previously filed applications should be prepared and submitted in triplicate (an original and two duplicate copies), signed in the same manner as the original application, and should contain the following information to identify the application being amended:

(1) Applicant's name.
(2) Service (AM, FM or TV).
(3) Call letters or specify new station.
(4) Channel number (FM or TV) or frequency (AM).
(5) Community of license.
(6) File number (if known) of application being amended.
(7) Date of filing of application (if file number not known).

INSTRUCTIONS FOR SECTION I - GENERAL INFORMATION

A. The name of the applicant stated in Section I shall be the exact name of the agency, board, institution, organization, corporation or association seeking the authorization. In all other sections of this form, an abbreviated name can be used for identification of the applicant.

B. In Section I use the following State abbreviations:

Alabama	AL	Kansas	KS	Ohio	OH
Alaska	AK	Kentucky	KY	Oklahoma	OK
American Samoa	AS	Louisiana	LA	Oregon	OR
Arizona	AZ	Maine	ME	Palau	PW
Arkansas	AR	Marshall Islands	MH	Pennsylvania	PA
California	CA	Maryland	MD	Puerto Rico	PR
Colorado	CO	Massachusetts	MA	Rhode Island	RI
Connecticut	CT	Michigan	MI	South Carolina	SC
Delaware	DE	Minnesota	MN	South Dakota	SD
District of Columbia	DC	Mississippi	MS	Tennessee	TN
Federal States of		Missouri	MO	Texas	TX
Micronesia	FM	Montana	MT	U.S. Minor Outlying	
Florida	FL	Nebraska	NE	Islands (etc.)	UM
Georgia	GA	Nevada	NV	Utah	UT
Guam	GU	New Hampshire	NH	Vermont	VT
Hawaii	HI	New Jersey	NJ	Virginia	VA
Idaho	ID	New Mexico	NM	Virgin Islands	VI
Illinois	IL	New York	NY	Washington	WA
Indiana	IN	North Carolina	NC	West Virginia	WV
Iowa	IA	North Dakota	ND	Wisconsin	WI
		Northern Mariana Islands	MP	Wyoming	WY

C. A major change in the licensed facilities of an AM station or a major modification of an AM construction permit includes any request for an increase in power (except for Class IV stations on local channels) or for a change in frequency, hours of operation, or station location. See 47 C.F.R. Section 73.3571. A major change or major modification for an FM station operating on a reserved channel includes any change in frequency or community of license or any changes in power, antenna location, and/or height which would result in a change of 50% or more in the area within the station's predicted 1 mV/m field strength contour. See 47 C.F.R. Section 73.3573. For TV stations, a major change or major modification is any change in frequency or community of license that is in accord with the present allotment contained in the Table of Assignments. See 47 C.F.R. Section 73.3572.

INSTRUCTIONS FOR SECTION II - LEGAL QUALIFICATIONS

A. As used in Section II, the words "party to this application" have the following meanings:

GOVERNMENT OR PUBLIC EDUCATIONAL AGENCY, BOARD, OR INSTITUTION: The members of the governing board and chief executive officers.

CORPORATE APPLICANT: All officers and directors, and all persons or entities, who are the beneficial or record owners, subscribers, or holders of the right to vote any capital stock, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities, who are the beneficial or record owners, subscribers, or holders of the right to vote capital stock of that entity, shall also be considered parties to this application.

ANY OTHER APPLICANT: All executive officers, members of the governing board and owners or subscribers to any membership or ownership interest in the applicant.

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

B. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the 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 corporation of which any officer or director is an alien or of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws of a foreign country. This proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is, (b) more than 25% of the directors are, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country.

The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

C. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 7, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

INSTRUCTIONS FOR SECTION III – FINANCIAL QUALIFICATIONS

A. All applicants filing Form 340 must be financially qualified to effectuate their proposals. Certain applicants (i.e., for a new station, to reactivate a silent station, or if specifically requested by the Commission) must demonstrate their financial qualifications by filing Section III. DO NOT SUBMIT Section III if the application is for changes in operating or authorized facilities.

B. An applicant for a new station must attest it has sufficient net liquid assets on hand, or committed sources of funds to construct the proposed facility and operate for three months without additional funds. In so certifying, the applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, donations, and capital investments. As used in Section III, "net liquid assets" means the lesser amount of the net current assets or of the liquid assets shown on a party's balance sheet, with net current assets being the excess of current assets over current liabilities. Applicants requesting financial assistance from the National Telecommunications and Information Administration (NTIA) are encouraged to file this FCC Form 340 well before filing their requests for funds with NTIA.

C. Documentation supporting the attestation of financial qualifications need not be submitted with this application, but must be available to the Commission upon request. The Commission encourages that all financial statements used in the preparation of this application be prepared in accordance with generally accepted accounting principles.

D. It is Commission policy not to approve extensions of time for construction on the basis of financial inability or unwillingness to construct.

INSTRUCTIONS FOR SECTION IV – PROGRAM SERVICE STATEMENT

A. Applicants need **only** file a program statement called for in Section IV of this application. See Public Broadcasting Stations (Programming and Reporting Requirements), 98 FCC 2d 746 (1984).

B. A program service statement is **not** required if the programming of the proposed station would be **wholly** instructional. Instructional programming includes all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers and college credit courses are examples of instructional programs.

INSTRUCTIONS FOR SECTION V – ENGINEERING DATA AND ANTENNA AND SITE INFORMATION

A. An indication as to the specific transmitter make and model is not required on the application. Rather, any subsequent permit authorizing construction will require installation of a type accepted transmitter or one complying with the provisions of 47 C.F.R. Section 73.1660. Applicants for AM facilities are reminded of the maximum rated power limitations for transmitters imposed by 47 C.F.R. Section 73.1665(b).

B. AM directional antenna patterns, submitted pursuant to 47 C.F.R. Sections 73.150 and 73.152 (standard patterns and modified standard patterns), must be tabulated and plotted using units or millivolts per meter at one kilometer. Applications which are amended should use the new standard. Applications which are submitted using the wrong units will be returned unless they are promptly amended to use the correct units.

C. Applicants filing the initial application in response to a Commission allotment to migrate to the AM expanded band need

not file the material requested in A.(3), A.(4), B.(1)-B.(3), and C.(3)(a)-(e) of Question 15 of Section V-A since the assignment is based on the allotment method instead of the allocation method.

C. In regard to the FM engineering portion (V-B), references to height and distance must be in meters and kilometers and **not** feet and miles.

D. When applying for FM station construction permit, one of the submissions required by Section V-B, is a 7.5 minute series U.S. Geological Survey topographic quadrangle map upon which is marked the transmitter site. The Commission recommends that applicants submit at least one original copy of each appropriate full-scale USGS quadrangle map, if available, with the transmitter site properly marked and labeled.

In order to allow the Commission's processing staff to verify the correctness of the geographic coordinates provided in an FM application, it is necessary for this site map to show along the printed margin of both axes at least two coordinate markings, specifically labeled by the USGS, one on either side of the marked site. Additionally, a scale of kilometers (if available) or miles and all of the identifying map information must be included. The site should be plotted on a full scale map, and all of the contour lines must be clearly visible. Faded, smudged or otherwise illegible maps are unacceptable. Photocopies are acceptable in lieu of actual USGS maps, provided they are clear, dark and legible. It is not necessary to submit an entire map (although this is perfectly acceptable), but only as much as is necessary to fully comply with the requirements described above.

In certain cases it may be inconvenient to provide a full scale photocopy which includes both the site and the margins. This can occur when the site lies toward the center of the map. In this case the following alternative is acceptable. Provide a full scale copy of the section of the map containing the site. This copy must include either four of the standard printed cross-marks or one margin and two cross-marks. Fine lines should be drawn between the marks in such a fashion as to enclose the site. Each of these lines should be labeled with the appropriate latitude or longitude. This full scale map section must include all the information specified in the previous paragraph. In addition, a reduced copy of the entire map must be included to allow the Commission's staff to verify that the lines have been correctly labeled.

E. The latitude and longitude coordinates for all points in the United States are based upon the 1927 North American Datum (NAD 27). The National Geodetic Survey is in the process of replacing NAD 27 with the more accurate 1983 North American Datum (NAD 83) and updating current topographic maps with NAD 83 datum. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum. To prevent intermixing of data using two different datums, however, the Commission announced that until further notice, applicants are to furnish coordinates based on NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations. In addition, applicants who have already filed applications with coordinates that reflect NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, entitled "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988). Accordingly, in furnishing the information called for in Section V (e.g., V-A (AM) #4, V-B (FM) #2, V-C (TV) #2), NAD 27 datum should be used.

F. The following guidance is provided for the questions regarding environmental impact (V-A (AM) #14, V-B (FM) #26, V-C (TV) #20):

(1) Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communication facility(ies) may have a significant environment impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

(a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

(b) A facility whose construction will involve significant change in surface features.

(c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

(d) The facilities, or the operation of which, will cause exposure of workers or the general public to levels of radio frequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95. 1-1982), by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017.

(2) If you answer Yes, submit the required Environmental Assessment (EA). The EA includes for antenna towers and satellite earth stations:

(a) 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 lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(b) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

(c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(d) A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.

(e) An engineering study based upon OST Bulletin No. 65, October, 1985, entitled "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation" addressing the issue of potential occupational and public hazards caused by the proposed facilities. You must state what steps will be taken to limit the RF radiation exposure to the public and to persons authorized access to the tower.

(3) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

(4) The EA shall also be accompanied with evidence of site approval which has been obtained from local or federal land use authorities.

(5) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

(6) An EA need not submitted to the Commission if another agency of the Federal Government has assumed responsibility (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment and, (b) if it will affect the environment, for invoking the environmental impact statement process.

INSTRUCTIONS FOR SECTION VI – EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

A. Applicants seeking authority to construct a commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). This is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed as part of the application. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed.

B. Guidelines for developing an Equal Employment Opportunity program are set forth in FCC Form 396-A.

NOTE: This five-point Broadcast Equal Employment Opportunity Model Program Report (FCC 396-A) is to be utilized only by applicants for new construction permits, assignees and transferees.

INSTRUCTIONS FOR SECTION VII – CERTIFICATION

A. Applicants for a new noncommercial educational AM, FM or TV broadcast station or for a major change or modification of the authorized facilities of such stations (as defined in 47 C.F.R. Sections 73.3571(a), 73.3573(a), or 73.3572(a), respectively) are required to give public notice of the filing of their applications by publication in a local newspaper and/or by broadcast announcements in accordance with 47 C.F.R. Section 73.3580. Completion of publication may occur within 30 days before or after tendering of the application. Proof of publication NEED NOT be filed with this application.

B. The original of this application form must be signed by the applicant. The required copies can be conformed. See 47 C.F.R. Section 73.3513.

Federal Communications Commission
Washington, D. C. 20554

FCC 340

Approved by OMB
3060-0034
Expires 11/30/94
See Page 23 for information regarding public burden estimate

APPLICATION FOR CONSTRUCTION PERMIT FOR NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

(Carefully read instructions before filing form) Return only form to FCC

For Commission Use Only
File No.

Section I - GENERAL INFORMATION

1. Name of Applicant		
Street Address or P.O. Box		
City	State	ZIP Code
Telephone No. *(Include Area Code)*		

Send notices and communications to the following person at the address below:		
Name		
Street Address or P.O. Box		
City	State	ZIP Code
Telephone No. *(Include Area Code)*		

2. This application is for: ☐ AM ☐ FM ☐ TV

(a) Channel No. or Frequency	(b) Principal Community	City	State

(c) Check one of the following boxes:

☐ Application for **NEW** station

☐ **MAJOR** change in licensed facilities; call sign: ..... _____

☐ **MINOR** change in licensed facilities; call sign: ..... _____

☐ **MAJOR** modification of construction permit; call sign: ..... _____

File No. of construction permit: ..... _____

☐ **MINOR** modification of construction permit; call sign: ..... _____

File No. of construction permit: ..... _____

☐ **AMENDMENT** to pending application; application file number: ..... _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☐ No

If Yes, state:	Call letters	Community of License	
		City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

1. Applicant is: *(Check one box below)*

☐ (a) governmental or public educational agency, board or institution

☐ (b) private nonprofit educational institution

☐ (c) Other *(specify)*

2. For applicants 1(c) only, describe in an Exhibit the nature and educational purposes of the applicant. Exhibit No.

3. For applicants 1(c) applying for a new noncommercial educational television station only, describe in an Exhibit how the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural and civic segments of the principal community to be served. Exhibit No.

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 C.F.R. Section 73.503 or Section 73.621, for the advancement of an educational program. Exhibit No.

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1934, as amended? ☐ Yes ☐ No

If Yes, provide particulars in an Exhibit. Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.) ☐ Yes ☐ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents? ☐ Yes ☐ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance. Exhibit No.

7. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above? ☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c) in the case of adjudicated proceedings, the applicant need only provide: (i) 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; and (ii) a description of the current status or disposition of the previously reported matter. Exhibit No.

PARTIES TO APPLICATION

8. Complete the following Table with respect to all parties to this application:

(NOTE: **If the applicant** considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: **If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificates or other ownership interests,** fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. **If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests,** furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. **If applicant is a governmental or public educational agency, board or institution,** fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es)	Office Held	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M)
		YES	NO	
(a)	(b)	(c)		(d)

9. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 kHz) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein? ☐ Yes ☐ No

If Yes, provide particulars as an Exhibit. Exhibit No.

10. Does the applicant or any party to this application have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission? ☐ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission? ☐ Yes ☐ No

(c) a broadcast application which has been denied by the Commission? ☐ Yes ☐ No

(d) a broadcast station, the license of which has been revoked? ☐ Yes ☐ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☐ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information: Exhibit No.

(1) Name of party having interest;
(2) Nature of interest or connection, giving dates;
(3) Call letters of stations or file number of application or docket; and
(4) Location.

SECTION III - FINANCIAL QUALIFICATIONS

Note: If this application is for a change in an operating facility, DO NOT fill out this Section.

1. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration? ☐ Yes ☐ No

2. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision? ☐ Yes ☐ No

NOTE: If either Questions 1 or 2 is answered "Yes," your application cannot be granted until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on your part is required. If you rely on funds from a source specified in Question 2, **you must advise the F.C.C. when the funds are committed or appropriated.** This should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the original application, and clearly identifying the application to be amended.

3. The applicant certifies, except as noted above, that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without additional funds. ☐ Yes ☐ No

SECTION IV - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area. Exhibit No.

NOTE: No program service statement need be filed where the proposed station's programming would be **wholly** "instructional" as that type of programming is defined in the Instructions to this Section.

Section V-A - AM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____

Name of Applicant

1. Purpose of Application: *(check all appropriate boxes)*

☐ Construct new station

☐ Make changes in authorized/existing station — Call Letters *(if issued)* _____

- ☐ Principal authorized/licensed community
- ☐ Hours of operation
- ☐ Frequency
- ☐ Transmitter location
- ☐ Power
- ☐ Filed in compliance with an Allotment Plan to migrate to the expanded band
- ☐ Main Studio location — Allotment Number _____
- ☐ Antenna system *(including increase in height by addition of FM, TV or other antenna)*
  - ☐ New antenna construction
  - ☐ Alteration of existing structure
    - ☐ Increase height
    - ☐ Decrease height
    - ☐ Non-DA to DA
    - ☐ DA to Non-DA

☐ Other *(Summarize briefly the nature of the changes proposed)*

2. Principal community to be served:

State	County	City or Town

3. Facilities requested:

Frequency: _____ kHz — Hours of Operations:

Power: Night: _____ kW — Day: _____ kW — Critical hours: *(if applicable)* _____ kW

Class of Station (A, B, C or D) _____ ☐ Stereo ☐ Monaural

4. Transmitter location:

State	County	City or Town

Latitude ° ' "	Longitude ° ' "

SECTION V-A – AM BROADCAST ENGINEERING DATA (Page 2)

5. Is the proposed site the same transmitter-antenna site of other stations authorized by the Commission or specified in another application pending before the Commission? ☐ Yes ☐ No

If Yes, indicate call sign or application file number: _____

6. Antenna system *(including ground or counterpoise system)*

Non-Directional ☐ Day ☐ Night ☐ Critical Hours

Estimated efficiency _____ mV/m per kW at one kilometer

Directional ☐ Day only (DA-D) ☐ Night only (DA-N)

☐ Same constants and power day and night (DA-1)

☐ Different constants and/or power day and night (DA-2)

☐ Different constants and/or power day, critical hours and night (DA-3)

Submit complete engineering data in accordance with Section 73.150 of the Commission's Rules for each Directional antenna pattern proposed.

Non-directional/Directional

If antenna(s) is/are either top loaded or sectionalized, describe fully in an Exhibit. *(Include apparent electrical height.)* Exhibit No.

Type of feed circuits (excitation) ☐ Series Feed ☐ Shunt Feed

☐ Folded Unipole ☐ Other (explain)

TOWERS *(In meters, rounded to nearest meter)*	1	2	3	4	5	6
Overall height of radiator above base insulator, or above base, if grounded						
Overall height above ground *(without obstruction lighting)*						
Overall height above ground *(include obstruction lighting)*						
Overall height above mean sea level *(include obstruction lighting)*						

If additional towers, attach information exactly as it appears above.

7. Has the FAA been notified of the proposed construction? ☐ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Exhibit No.

Date _____ Office where filed _____

SECTION V-A – AM BROADCAST ENGINEERING DATA (Page 3)

8. List all landing areas within 8 kilometers of antenna site. Give distances and direction to the nearest boundary of each landing area from the antenna site.

	Landing Area	Distance (km)	Direction
(a)			
(b)			
(c)			

9. Attach as an Exhibit a description and vertical plan sketch *(including supporting buildings, if any)* of the proposed structure, giving heights above ground, in meters, for all significant features. Clearly indicate existing portions, noting lighting, and distinguishing between the skeletal or other main supporting structure and the antenna elements. If a directional antenna, give spacing and orientation of towers. Exhibit No.

If not fully described above, attach as an Exhibit further details and dimensions, including any other antennas mounted on tower and associated isolation circuits. Exhibit No.

Attach as an Exhibit, a plat of the transmitter site clearly showing boundary lines, roads, railroads, other obstructions, and the ground system or counterpoise. Show number and dimensions of ground radials or, if a counterpoise is used, show heights and dimensions. Exhibit No.

10. Will the main studio be located within the station's principal community contour as defined by 47 C.F.R. Section 73.24(i)? ☐ Yes ☐ No

If No, attach as an Exhibit a justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

11. Is there a remote control location, or is one to be established in accordance with 47 C.F.R. Section 73.1400? ☐ Yes ☐ No

If yes, submit the following:

State	County	City or Town
Street address *(or other identification)*		

12. Attach as an Exhibit 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 locations of the proposed 1000 mV/m contour for both day and night operation. Photographs taken in eight different directions from an elevated position on the ground will be acceptable in lieu of the serial photographs if the data referred to can be clearly shown. Exhibit No.

13. Is the population within the 1 V/m (1000 mV/m) contour less than 300 persons or less than 1.0 percent of the population within the 25 mV/m contour? ☐ Yes ☐ No

If No, attach as an Exhibit a justification pursuant to 47 C.F.R. Section 73.24(g). Exhibit No.

14. Environmental Statement. *(See 47 C.F.R. Section 1.1301 et seq.)*

(a) Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? ☐ Yes ☐ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311. Exhibit No.

If No, explain briefly why not.

(b) Distance from tower(s) to the nearest point of the fence enclosing the tower in meters. _____ Meters

15. Allocation Studies

A. Daytime *(For assistance, see 47 C.F.R. Section 73.37)*

(1) For daytime operation, attach as an exhibit map(s) having appropriate scales, showing the 1000, 5, 2 and 0.5 (0.1, if Class A station) daytime contours in mV/m for both existing and proposed operations. On the map(s) showing the 5 mV/m contours **CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED.**

Exhibit No.

(2) Does the daytime 5 mv/m contour encompass the legal boundaries of the principal community to be served?

☐ Yes ☐ No

If No, attach as an Exhibit a justification for waiver of 47 C.F.R. Section 73.24(i).

Exhibit No.

(3) For daytime operation, for stations on a frequency between 535 kHz and 1605 kHz, attach as an Exhibit an allocation study utilizing Figure M-3 *(Figure R-3 of the Commission's Rules)* or an accurate full scale reproduction thereof and using pertinent field strength measurement data where available, a full scale exhibit of the entire pertinent area to show the following:

Exhibit No.

(a) Normally protected and the interfering contours for the proposed operation along all azimuths.

(b) Normally protected and interfering contours of existing stations and other proposed stations in pertinent areas with which prohibited overlap would result as well as those existing stations and other proposals which required study to clearly show absence of prohibited overlap. If prohibited overlap were to occur as a result of the proposal, appropriate justification for waiver of 47 C.F.R. Section 73.37 is to be included.

(c) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers, and operating or proposed facilities.

(d) Properly labeled longitude and latitude degree lines, shown across entire Exhibit.

(4) For daytime operation, attach as an Exhibit a tabulation of the following:

Exhibit No.

(a) Azimuths along which the groundwave contours were calculated for all stations or proposals shown on allocation study exhibits required by (3)(a).

(b) Inverse distance field strength used along each azimuth.

(c) Basis for ground conductivity utilized along each azimuth specified in (4)(a). If field strength measurements are used, submit copies of the analyzed measurements. If measurement data are taken from Commission records identify the source of the measurements in the Commission's files.

B. Critical Hours *(If applicable, see 47 C.F.R. Section 73.187)*

(1) For critical hours operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000, 5 and 0.5 critical hours contours in mV/m for both existing and proposed operations. On the map(s) showing the 5 mV/m contours **CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED.**

Exhibit No.

(2) Does the critical hours 5 mV/m contour encompass the legal boundaries of the principal community be served?

☐ Yes ☐ No

If No, attach as an Exhibit justification for waiver of 47 C.F.R. Section 73.24(j).

Exhibit No.

(3) For critical hours operation, attach as an Exhibit an allocation study utilizing Figure M-3 *(Figure R-3 of the Commission's Rules)* or an accurate full scale reproduction thereof and using pertinent field strength measurement data where available, a full scale exhibit of the entire pertinent area to show the following: The 0.1 mV/m groundwave contour pertinent arcs of Class I stations and appropriate studies to establish compliance with 47 C.F.R. Section 73.187 when operation is proposed on a U.S. Class A channel.

Exhibit No.

C. Nighttime. *(For assistance, see 47 C.F.R. Section 73.182)*

(1) For nighttime operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000 and 5 mV/m contours *(RSS nighttime interference-free contour if it is greater than 5 mV/m)* for both existing and proposed operations. On the map(s) showing the interference-free contours. **CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED.**

Exhibit No.

(2) Does the nighttime 5 mV/m or nighttime free contour *(which ever is higher)* encompass 80% of the principal community to be served *(50% for expanded band 1605-1705 kHz stations)* ?

☐ Yes ☐ No

If No, attach as an Exhibit justification for waiver of, or exemption pursuant to 47 C.F.R. Section 73.24(i).

Exhibit No.

(3) For nighttime operation, (for stations on a frequency between 535 kHz and 1605 kHz) attach as an Exhibit allocation data including the following:

Exhibit No.

(a) Proposed nighttime limitation to other existing or proposed stations with which objectionable interference could result, as well as those other proposals and existing stations which require study to show clearly absence of objectionable interference.

(b) All existing or proposed nighttime limitations which enter into the nighttime RSS limitation of each of the existing or proposed facilities investigated under (3Xa) above.

(c) All existing and proposed limitations which contribute to the RSS nighttime limitation of the proposed operation, together with those limitations which must be studied before being excluded.

(d) A detailed interference study plotted upon an appropriate scale map if a question exists with respect to nighttime interference to other existing or proposed facilities along bearing other than on a direct line toward the facility considered. (Clipping study)

(e) The detailed basis for each nighttime limitation calculated under (3Xa), (b), (c) and (d) above.

16. Attach as an Exhibit a map *(7.5 minute U.S. Geological Survey topographic quadrangles, if available)* of the proposed antenna location showing the following information:

Exhibit No.

A. Proposed transmitter location accurately plotted with the latitude and longitude lines clearly marked and showing a scale of kilometers.

B. Heights of buildings or other structures and terrain elevations in the vicinity of the antenna, indicating the location thereof.

C. Transmitter location and call signs of non-broadcast radio stations *(except amateur and citizens band)*, established commercial and government receiving stations in the general vicinity which may be adversely affected by the proposed operation.

D. Transmitter location and call letters of all AM, FM and TV broadcast stations within three (3) kilometers of the proposed antenna location.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name *(Typed or Printed)*	Relationship to Applicant *(e.g., Consulting Engineer)*
Signature	Address *(Include ZIP Code)*
Date	Telephone No. *(Include Area Code)* ( )

Section V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____

Name of Applicant

Call letters *(if issued)*	Is this application being filed in response to a window? ☐ Yes ☐ No If Yes, specify closing date: _____

Purpose of Application: *(check appropriate box(es))*

- ☐ Construct a new (main) facility
- ☐ Construct a new auxiliary facility
- ☐ Modify existing construction permit for main facility
- ☐ Modify existing construction permit for auxiliary facility
- ☐ Modify licensed main facility
- ☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- ☐ Antenna supporting-structure height
- ☐ Effective radiated power
- ☐ Antenna height above average terrain
- ☐ Frequency
- ☐ Antenna location
- ☐ Class
- ☐ Main Studio location
- ☐ Other *(Summarize briefly)*

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State

Class *(check only one box below)*

☐ A ☐ B1 ☐ B ☐ C3

☐ C2 ☐ C1 ☐ C ☐ D

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude ° ' "	Longitude ° ' "

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both. _____

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

_____

SECTION V-B – FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates? ☐ Yes ☐ No
If Yes, list old coordinates.

Latitude ° ' "	Longitude ° ' "

5. Has the FAA been notified of the proposed construction? ☐ Yes ☐ No
If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Exhibit No.

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)			
(b)			

7. (a) Elevation: *(to the nearest meter)*

(1) of site above mean sea level; _____ meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] _____ meters

(b) Height of radiation center: *(to the nearest meter)* H = Horizontal; V = Vertical

(1) above ground _____ meters (H)

_____ meters (V)

(2) above mean sea level [(aX1) + (bX1)] _____ meters (H)

_____ meters (V)

(3) above average terrain _____ meters (H)

_____ meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator. Exhibit No.

9. Effective Radiated Power:
(a) ERP in the horizontal plane _____ kw (H*) _____ kw (V*)

(b) Is beam tilt proposed? ☐ Yes ☐ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field. Exhibit No.

_____ kw (H*) _____ kw (V*)

*Polarization

10. Is a directional antenna proposed? ☐ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of horizontally and vertically polarized radiated components in terms of relative field. Exhibit No.

11. Will the main studio be located within the 70 dBu or 3.16 mV/m contour? ☐ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

12. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference? ☐ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(d) and 73.318.)* Exhibit No.

13. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction D for Section V. Further, the map must clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers. Exhibit No.

14. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers: Exhibit No.

(a) the proposed transmitter location, and the radials along with profile graphs have been prepared;

(b) the 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mV/m contour; and

(c) the legal boundaries of the principal community to be served.

15. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area _____ sq. km. Population _____

16. Attach as an Exhibit a map *(Sectional Aeronautical charts where obtainable)* showing the present and proposed 1 mV/m (60 dbu) contours. Exhibit No.

Enter the following from Exhibit above: Gain Area _____ sq. mi.
Loss Area _____ sq. mi.

Percent change (gain area plus loss area as percentage of present area) _____ %.
If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

17. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license. See 47 C.F.R. Section 73.1675. (File No.:_____)

18. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313).*

Source of terrain data: *(check only one box below)*

☐ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: _____)

☐ Other *(briefly summarize)*

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)
0		
45		
90		
135		
180		
225		
270		
315		

Allocation Studies

(See Subpart C of 47 C.F.R. Part 73)

19. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico? ☐ Yes ☐ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

Exhibit No.

20. Is the proposed antenna location within 320 kilometers of the common border between the United States and Canada? ☐ Yes ☐ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under The Canada-United States FM Agreement of 1947. Exhibit No.

21. If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of prohibited overlap of contours with other U.S. stations. The allocation study should include the following: Exhibit No.

(a) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths.
(b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.
(c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.
(d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.
(e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.
(f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.
(g) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
(h) The name of the map(s) used in the Exhibit(s).

22. With regard to any stations separated by 53 or 54 channels (10.6 or 10.8 MHz) attach as an Exhibit information required in 1/ *(separation requirements involving intermediate frequency (i.f.) interference)*. Exhibit No.

23.(a) Is the proposed operation on Channel 218, 219, or 220? ☐ Yes ☐ No

(b) If the answer to (a) is yes, does the proposed operation satisfy the requirements of 47 C.F.R. Section 73.207? ☐ Yes ☐ No

(c) If the answer to (b) is yes, attach as an Exhibit information required in 1/ regarding separation requirements with respect to stations on Channels 221, 222 and 223. Exhibit No.

(d) If the answer to (b) is no, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose. Exhibit No.

1/ A showing that the proposed operation meets the minimum distance separation requirements. Include existing stations, proposed stations, and cities which appear in the Table of Allotments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following: Exhibit No.

(1) Protected and interfering contours, in all directions (360), for the proposed operation.
(2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as transmitter location.
(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
(4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
(5) The official title(s) of the map(s) used in the exhibits(s).

24. Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 6 station(s) as defined in 47 C.F.R. Section 73.525? ☐ Yes ☐ No

If Yes, attach as an Exhibit either a TV Channel 6 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station. Exhibit No.

25. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1-107.9 MHz)? ☐ Yes ☐ No

If Yes, attach as an Exhibit information required in 1/. *(Except for Class D (secondary) proposals.)* Exhibit No.

26. Environmental Statement *(See 47 C.F.R. Section 1.1301 et seq.)*

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☐ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311. Exhibit No.

If No, explain briefly why not.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name *(Typed or Printed)*	Relationship to Applicant *(e.g., Consulting Engineer)*
Signature	Address *(Include ZIP Code)*
Date	Telephone No. *(Include Area Code)* ( )

Section V-C - TV BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

Call letters *(if issued)*

Purpose of Application *(check appropriate box)*:

- ☐ Construct a new (main) facility
- ☐ Modify existing construction permit for main facility
- ☐ Modify licensed main facility
- ☐ Install a new auxiliary antenna
- ☐ Modify existing construction permit for auxiliary antenna
- ☐ Modify licensed auxiliary antenna

If purpose is to modify, indicate nature of change(s) by checking appropriate box(es), and specify the file number(s) of the authorization(s) affected:

- ☐ Antenna supporting-structure height
- ☐ Antenna height above average terrain
- ☐ Antenna location
- ☐ Main Studio location
- ☐ Effective radiated power
- ☐ Frequency
- ☐ Antenna system
- ☐ Other *(Summarize briefly)*

File Number(s) _____

1. Allocation:

Channel No. _____

Offset *(check one)*
- ☐ Plus
- ☐ Minus
- ☐ Zero

Principal community to be served:		
City	County	State

Zone *(check one)*
- ☐ I
- ☐ II
- ☐ III

2. Exact location of antenna:

(a) Specify address, town or city, county and state. If no address, specify distance and bearing to the nearest landmark.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude and West Longitude will be presumed.

Latitude ° ' "	Longitude ° ' "

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both. _____

If proposal involves a change in height of an existing structure, specify existing height above ground level, including antenna, all other appurtenances, and lighting, if any.

_____

4. Does the application propose to correct previous site coordinates? ☐ Yes ☐ No
If Yes, list old coordinates.

Latitude ° ' "	Longitude ° ' "

5. Has the FAA been notified of the proposed construction? ☐ Yes ☐ No
If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

Date _____ Office where filed _____

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)			
(b)			

7. (a) Elevation: *(to the nearest meter)*

(1) of site above mean sea level; _____ meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)]. _____ meters

(b) Height of radiation center: *(to the nearest meter)*

(1) above ground; _____ meters

(2) above mean sea level [(aX1) + (bX1)]; and _____ meters

(3) above average terrain. _____ meters

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of TV radiator.

Exhibit No.

9. Maximum visual effective radiated power _____ kW

10. Antenna:

(a) Manufacturer _____ (b) Model No. _____

(c) Is a directional antenna proposed? ☐ Yes ☐ No

If Yes, specify major lobe azimuth(s) _____ degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

(d) Is electrical beam tilt proposed? ☐ Yes ☐ No

If Yes, specify _____ degrees electrical beam tilt and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

(e) Is mechanical beam tilt proposed? ☐ Yes ☐ No

If Yes, specify _____ degrees mechanical beam tilt toward azimuth _____ degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

(f) The proposed antenna is: *(check only one box)*

☐ horizontally polarized ☐ circularly polarized ☐ elliptically polarized

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.685(a) and (b)? ☐ Yes ☐ No

If No, attach as an Exhibit justification therefor, including amounts and percentages of population and area that will not receive City Grade service. Exhibit No.

12. Will the main studio be located within the station's predicted principal community contour as defined by 47 C.F.R. Section 73.685(a)? ☐ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

13. Does the proposed facility satisfy the requirement of 47 C.F.R. Section 73.610? ☐ Yes ☐ No

If No, attach as an Exhibit justification therefor, including a summary of any previously granted waiver(s). Exhibit No.

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters; or (b) in the general vicinity, any nonbroadcast *(except citizens band or amateur)* radio stations or any established commercial or government receiving stations? ☐ Yes ☐ No

If Yes, attach as an Exhibit a description of the expected, undesired effects of operations and remedial steps to be pursued, if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference *(including that caused by intermodulation)* to facilities in existence or authorized prior to grant of this application. *(See 47 C.F.R. Sections 73.685(d) and (g).)* Exhibit No.

15. Attach as an Exhibit a topographic map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the provisions of 47 C.F.R. Section 73.684(g). The map must further display clearly and legibly the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers. Exhibit No.

16. Attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* which shows clearly, legibly and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) The proposed transmitter location, and the radials along which profile graphs have been prepared;
(b) The City Grade, Grade A and Grade B predicted contours; and
(c) The legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population *(latest census)* within the predicted Grade B contour.

Area _____ sq. km. Population _____

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) The proposed auxiliary Grade B contour; and
(b) The Grade B contour of the licensed main facility for which the applied-for facility will be the auxiliary.

(Main facility license file number _____)

19. Terrain and Coverage Data *(To be calculated in accordance with 47 C.F.R. Section 73.684.)*

Source of terrain data: *(check only one box below)*

☐ Linearly interpolated 30-second database (Source: _____)

☐ 7.5 minute topographic map

☐ Other *(briefly summarize)*

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances		
		To the City Grade Contour (kilometers)	To the Grade A Contour (kilometers)	To the Grade B Contour (kilometers)
*				
0				
45				
90				
135				
180				
225				
270				
315				

*Radial through principal community, if not one of the major radials. This radial should NOT be included in calculation of HAAT.

SECTION V-C – TV BROADCAST ENGINEERING DATA (Page 5)

20. Environmental Statement *(See 47 C.F.R. Section 1.1301 et seq.)*

Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? ☐ Yes ☐ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311. Exhibit No.

If No, explain briefly why not.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name *(Typed or Printed)*	Relationship to Applicant *(e.g., Consulting Engineer)*
Signature	Address *(Include ZIP Code)*
Date	Telephone No. *(Include Area Code)* ( )

SECTION VI – EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees? ☐ Yes ☐ No

   If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 396-A).

SECTION VII – CERTIFICATION

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

2. The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. 1.2002(b). ☐ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. *(See Section 304 of the Communications Act of 1934, as amended.)*

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant	Title
Signature	Date

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 78 to 302 hours 20 minutes with an average of 171 hours 36 minutes per response. These estimates includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0034), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0075
Expires 8/31/90

Instructions for FCC Form 345

APPLICATION FOR TRANSFER OF CONTROL OF A CORPORATE LICENSEE OR PERMITTEE, OR ASSIGNMENT OF LICENSE OR PERMIT, FOR AN FM OR TV TRANSLATOR STATION, OR A LOW POWER TELEVISION STATION.

(FCC Form 345 Attached)

INSTRUCTIONS AND INFORMATION

1. This form is to be used to apply for a transfer of control of a corporate licensee or permittee, or assignment of license or permit, for an FM or TV translator station, or a low power television station. It should also be used for any associated auxiliary stations, such as translator microwave relay stations (see §74.601) and UHF translator booster stations (see §74.701). DO NOT USE THIS FORM if a commonly owned or controlled primary station is filing an application for transfer of control or an assignment of a permit or license. In that case, the application of the licensee or permittee of the primary station will include all auxiliary authorizations when filing its application on FCC Form 314, 315 or 316, whichever is applicable.

2. Prepare and file original and one copy of the attached form with the Federal Communications Commission, Washington, D.C. 20554.

3. Number any exhibits serially in the spaces provided in the body of the form. Each exhibit must be dated and clearly indicate whether it was prepared by the assignor/transferor (seller) or the assignee/transferee (buyer).

4. Information requested in the attached form already on file with the Commission need not be refiled in this application, provided (1) the information was submitted by or on behalf of the parties to this application; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form, along with the page or paragraph referred to; and (3) the party states, "No change since date of filing." The material so identified will be considered incorporated in the attached application. The incorporated application or other form will thereafter be open to public inspection in its entirety.

5. The name of the assignor/transferor must be stated exactly as it appears on the authorization to be transferred or assigned.

6. For a corporation or government entity, the name of the assignee/transferee must be set out as the full, official name; for a partnership the names of all partners and the name under which the partnership does business; for an unincorporated association, the name of the association, the name of an executive officer and the office held.

7. BOTH PARTIES TO THE TRANSACTION MUST SIGN THE APPLICATION in the spaces provided. Depending on the nature of the applicant, the application should be signed as indicated: for a sole proprietor, personally; for a partnership, by a general partner; for a corporation, by an officer; for an unincorporated association, by a member who is an officer; for a government 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 case 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 fourth the reasons for believing that such statements are true.

8. Before filling out this application, the assignee/transferee should familiarize itself with the Communications Act of 1934, and with Parts 1 and 74 of the Commission's Rules.

9. Parties to the application. *If the applicant is an individual,* that person is a party to this application. *If the applicant is a partnership,* each general and limited partner (including "silent" partners) having an interest of one percent or more in profits is a party to the application. *If the applicant is a corporation* all officers and directors, and all persons or entities who are the beneficial or record owners or have the right to vote any capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities who are the beneficial or record owners or have the right to vote capital stock, membership or ownership interests of one percent or more, or subscribers to such interest, of that entity shall also be considered parties to this application. *For any other applicant,* all executive officers, members of the governing board and owners or subscribers to membership or ownership interests of one percent or more in the applicant.

10. United States Citizenship. Section 310 of the Communications Act requires that United States citizens must control broadcast stations, including FM and TV translator stations, and low power television stations. Specifically, the FCC cannot assign or transfer a license or construction permit to an alien or the representative of an alien, to a foreign government or a representative of a foreign government, or to a corporation organized under the laws of a foreign government. Similarly, the FCC cannot transfer a license or construction permit to a corporate applicant that has any alien officers or directors, or that has more than 20 percent of its capital stock owned or voted by aliens or their representatives, foreign governments or their representatives, or by a corporation organized under the laws of a foreign country. Finally, if the corporate applicant is directly or indirectly controlled by another corporation, the FCC cannot grant a transfer or assignment application if the other corporation has any officer who is an alien, or more than 25 percent of the directors are aliens, or more than 25 percent of its stock is owned or voted by aliens or their representatives, foreign governments or their representatives, or a corporation organized under the laws of a foreign country. The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each person who owns or votes shares. For large corporations, a sample survey using a recognized statistical method is acceptable for determining the citizenship of those who own or vote shares.

11. Applicants seeking to acquire a low power television station, whether by assignment of license or permit, or by transfer of control, 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 section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant that proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics.) This is submitted to the Commission as the Model EEO Program Form. If minority group representation in the available labor force is less than five percent in the aggregate, a program for minority group members is not required. A program must be filed, however, for women because they comprise a significant percentage of virtually all labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed. Guidelines for developing an Equal Employment Opportunity program are set forth as a separate Model EEO Program.

12. Public Notice Requirement:

    (1) Section 73.3580 of the Commission's Rules requires that applicants for assignment or transfer of a construction permit or license give local notice in a newspaper of general circulation in the community in which the station is located. Local notice is also required to be broadcast over the station, if it is capable of originating such an announcement. However, if the station is the only operating station in its broadcast service which is located in the community involved, publication of the notice in a newspaper is not required, if the announcement can be broadcast. This public notice requirement also applies with respect to major amendments, as defined in Section 73.3578(b) of the Rules.

    (2) Completion of publication may occur within 30 days before or after tendering of the application. Compliance or intent to comply with the public notice requirements must be *certified* in this application. The information that must be contained in the notice of filing is described in Paragraph (g) of Section 73.3580 of the Rules. Proof of publication need not be filed with this application.

13. Be sure all necessary information is furnished and all paragraphs are fully answered. If any portions of the application are not applicable, state so specifically. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.

14. Do not file this information sheet with the application.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested Authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

United States of America
Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0075
Expires 8/31/90

For Commission Use Only
File No.

APPLICATION FOR TRANSFER OF CONTROL OF A CORPORATE LICENSEE OR PERMITTEE, OR ASSIGNMENT OF LICENSE OR PERMIT, FOR AN FM OR TV TRANSLATOR STATION, OR A LOW POWER TELEVISION STATION

(Carefully read instructions before filling out Form — RETURN ONLY FORM TO FCC)

Section 1 Assignor/Transferor

1. Application for: *(check only one box for A. and B.)*

A. ☐ Consent to assignment

☐ Consent to transfer of control

B. For a ☐ TV translator

☐ Low power TV station

☐ FM translator

2. Name of Assignor/Transferor

Street Address *(or other identification)*

Telephone No.
(Include Area Code)

City

State

ZIP Code

3. Authorization which is proposed to be assigned or transferred:
(a) Call letters

(b) Location

4. NOTE: Where the licenses or permits have been granted to entities claiming preferences in the lottery selection process, the license or permit must ordinarily be held for a period of at least one year from the beginning of program tests.

Is the assignor or transferor in compliance with this requirement? ☐ YES ☐ NO

If No, attach as Exhibit No. _____ an appropriate showing. (See *Section 73.3597 of the Commission's Rules*)

5. Call letters of any auxiliary stations which are to be assigned:

6. Attach as Exhibit No. _____ a copy of the contract or agreement to assign the property and facilities of the station. If there is only an oral agreement, reduce the terms to writing and attach. The material submitted must include the complete agreement between the parties.

7. State in the attached Exhibit No. _____ whether the assignor, or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of the assignor's stock has had any interest in or connection with any dismissed and/or denied application; or any FCC license that has been revoked.

The Exhibit should include the following information:

(a) name of party with such interest;
(b) nature of interest or connection, giving dates;
(c) call letters or file number of application; or docket number;
(d) location

8. Since the filing of the assignor's/transferor's last renewal application for the authorization being assigned or transferred, or other major application has an adverse finding been made, a consent decree been entered or adverse final action been approved by any court or administrative body with respect to the assignor/transferor or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of assignor's/transferor's stock, concerning any civil or criminal suit, action or proceeding brought under the provisions of any federal, state, territorial or local law relating to the following: any felony, lotteries; unlawful restraints or monopolies; unlawful combinations; contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?

☐ YES ☐ NO

If Yes, attach as Exhibit No. _____ a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition or current status of the matter.

CERTIFICATION

Has or will the assignor/transferor comply with the public notice requirement of Section 73.3580 of the rules? ☐ YES ☐ NO

The ASSIGNOR/TRANSFEROR acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incoporated herein.

The ASSIGNOR/TRANSFEROR represents that this application is not filed by it for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNOR/TRANSFEROR has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, SECTION 1001

I certify that the assignor's/transferor's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this _____ day of _____, 19_____.

_____

Name of Assignor/Transferor

_____

Signature

_____

Title

Section II

Assignee/Transferee

1. Name of Assignee/Transferee

Street Address (or other identification)

Telephone No.
(Include Area Code)

City

State

ZIP Code

2. Assignee/Transferee is: (check one of the following)

☐ an individual ☐ a general partnership ☐ a limited partnership ☐ a corporation

☐ other (explain)

3. If the applicant is an unincorporated association or a legal entity other than an individual, partnership or corporation, describe in attached Exhibit No. _____ the nature of the applicant.

4. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☐ YES ☐ NO

(b) Will any funds, credit, or other consideration for construction, purchase or operation of the station be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents? ☐ YES ☐ NO

If Yes, provide particulars as attached Exhibit No._____.

5. (a) Has an adverse finding been made, adverse final action taken or consent decree approved by any court or administrative body as to the applicant or any party to the application in any civil or criminal proceeding brought under the provisions of any law related to the following: any felony; lotteries, unlawful restraints or monopolies; unlawful combinations, contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination? (See Instruction 9 for the definition of a "party" to this application.) ☐ YES ☐ NO

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 5.(a)? ☐ YES ☐ NO

If the answer to (a) or (b) above is Yes, attach as Exhibit No._____, a full disclosure concerning the persons and matters involved, identifying the court or administrative body and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and disposition or current status of the matter.

6. The applicant certifies that sufficient net liquid assets are on hand or available from committed sources to consummate the transaction and operate the facilities for three months. ☐ YES ☐ NO

7. The applicant certifies that:
(a) it has a reasonable assurance of present commitments from each donor, from each party agreeing to furnish capital, from each bank, financial institution or others agreeing to lend funds, and from each equipment supplier agreeing to extend credit;
(b) it has determined that a reasonable assurance exists that all such sources (excluding banks, financial institutions and equipment suppliers) have sufficient net liquid assets to meet these commitments; and
(c) it can and will meet all contractual requirements as to collateral, guarantees, and capital investment or donations. ☐ YES ☐ NO

FOR LOW POWER TELEVISION APPLICANTS ONLY

8. Low power television stations must offer a broadcast program service (a nonprogram service is not permitted). Attach as Exhibit No._____ a brief description, in narrative form, of the proposed program service.

9. Does the low power television applicant propose to employ five or more full time employees? ☐ YES ☐ NO

If the answer is Yes, the applicant must include an EEO program called for in the separate Five Point Model EEO Program (attached).

CERTIFICATION

THE ASSIGNEE/TRANSFEREE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The ASSIGNEE/TRANSFEREE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNEE/TRANSFEREE represents that this application is not filed by it for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNEE/TRANSFEREE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, SECTION 1001

I certify that the assignee's/transferee's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this _____ day of_____, 19

_____
Name of Assignee/Transferee

_____
Signature

_____
Title

United States of America
Federal Communication Commission
Washington, D.C. 20554

MODEL EEO PROGRAM

1. Name of Applicant | Street Address

City | State | Zip Code | Telephone No. *(Include Area Code)*

2. This form is being submitted in conjunction with:

☐ Application for Construction Permit for New Station

☐ Application for Assignment of License

☐ Application for Transfer of Control

(a) Call letters *(or channel number or frequency)*

(b) Community of License

City | State

INSTRUCTIONS

Applicants seeking authority to construct a new low power television broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license 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 Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more fulltime station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives and Hispanics.) This is submitted to the Commission as the Model EEO Program. If minority group representation in the available labor force is less than five percent *(in the aggregate),* a program for minority group members is not required. In such cases, a statement so indicating must be set forth in the EEO model program. However, a program must be filed for women since they comprise a signficant percentage of virtually all area labor forces. If an applicant proposes to employ less than five fulltime employees, no EEO program for women or minorities need be filed.

Guidelines for a Model EEO Program and a Model EEO Program are attached.

NOTE: Check appropriate box, sign the certification below and return to FCC:

☐ Station will employ less than 5 fulltime employees; therefore no written program is being submitted.

☐ Station will employ 5 or more fulltime employees. Our 5 point program is attached.

CERTIFICATION

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this _____ day of _____, 19

_____

Signature

_____

Title

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, SECTION 1001

GUIDELINES TO THE MODEL EEO PROGRAM

The model EEO program adopted by the Commission for construction permit applications, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. General Policy

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of minorities and women in the relevant available labor force.

II. Responsibility for Implementation

This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. Policy Dissemination

The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of non-discrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g. orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. Recruitment

The applicant should specify the recruitment sources and other techniques it proposes to use to attract minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

V. Training

Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist it in its effort to increase the pool of available minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I. General Policy

It will be our policy to provide equal employment opportunity to all qualified individuals without regard to their race, color,religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. Responsibility for Implementation

(Name/Title)_____, will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. Policy Dissemination

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

( ) The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.

( ) Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State or Federal agency if they believe they have been the victims of discrimination.

( ) We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.

( ) Other (specify)

IV. Recruitment

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration in filling job vacancies, we propose to utilize the following recruitment procedures:

( ) We will attempt to maintain systematic communication, both orally and in writing, with a variety of minority and women's organizations to encourage the referral of qualified minority and female applicants. Examples of organizations we intend to contact are:

_____ _____

_____ _____

_____ _____

_____ _____

( ) In addition to the organizations noted above, which specialize in minority and female candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:

_____ _____

_____ _____

_____ _____

( ) When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with significant minority and female enrollments. Educational institutions to be contacted for recruitment purposes are:

_____ _____

_____ _____

_____ _____

( ) When utilizing media for recruitment purposes, help-wanted advertisements will always include a notice that we are an Equal Opportunity Employer and will contain no indication, either explicit or implied, of a preference for one sex over another.

( ) When we place employment advertisements in printed media some of such advertisements will be placed in media which have significant circulation or are of particular interest to minorities and women. Examples of publications to be utilized are:

_____ _____

_____ _____

_____ _____

( ) We will encourage employees, particularly minority and female employees, to refer minority and female candidates for existing and future job openings.

V. Training

( ) Station resources and/or needs will be such that we will be unable or do not choose to institute specific programs for upgrading the skills of employees.

( ) We will provide on-the-job training to upgrade the skills of employees.

( ) We will provide assistance to students, schools or colleges in programs designed to enable minorities and women to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary	Proposed Form of Assistance

( ) Other (Specify)

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0016
Expires 04/30/97

INSTRUCTIONS FOR FCC 346

APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION

(FCC FORM 346 ATTACHED)

A. This FCC form is to be used to apply for authority to construct a new television translator, low power television or television booster station, or to make changes in the existing facilities of such station. It consists of the following Sections:

I. GENERAL INFORMATION
II. ENGINEERING DATA AND ANTENNA AND SITE INFORMATION
III. LEGAL QUALIFICATIONS
IV. PROGRAM SERVICE STATEMENT (LPTV Applicants Only)
V. PREFERENCES
VI. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (LPTV Applicants Only)
VII. CERTIFICATIONS

An applicant for a change in facilities need not file Sections III, IV and VI; Section V should be filed by applicants for major changes.

B. References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with the current broadcast rules, which are contained in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
(4) Part 73 "Radio Broadcast Services"
(5) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order desk at (202) 512-1800 for current prices.

C. Prepare an original and two complete copies of the form and all exhibits. The application with all required exhibits should be filed with the Federal Communications Commission in the matter and at the location specified in 47 C.F.R. Section 0.401.

D. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. Defective or incomplete applications will be returned without consideration. Furthermore, inadvertently accepted applications are also subject to dismissal.

E. In accordance with 47 C.F.R. Section 1.65, the applicant has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

SECTION I - GENERAL INFORMATION

A. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to construct a new low power television, television translator, or television booster station or to make a major change in the authorized facilities of such stations are required to pay and submit a fee with the filing of FCC Form 346. However, governmental entities, which include any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees of noncommercial educational FM and full-service television broadcast station licensees and permittees seeking to construct a new low power television, television translator or television booster stations, or to make major changes in the authorized facilities of such stations, provided those stations will be operated or operate on a noncommercial educational basis. A licensee or permittee of a low power television or television translator station, which is filing a major change application and which earlier obtained either a fee refund because of a NTIA facilities grant for that station or a fee waiver because of demonstrated compliance with the eligibility and service

requirements of 47 C.F.R. Section 73.621, is similarly exempt from payment of this fee. See 47 C.F.R. Section 1.1112. There are no fees required with the submission of a minor change application.

To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Question 2(B), Section I. FCC Form 346 applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 346 applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 346 should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtainable either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

Payment of any required fee can be made by check, bank draft, money order or credit card. If paying by check, bank draft or money order, your 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. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, Question 1, of FCC Form 346. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Form 346's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

B. The name of the applicant stated in Section I shall be:

(1) if a corporation, the EXACT corporate name;
(2) if a partnership, the names of all partners, and the name under which the partnership does business;
(3) if an association, the name of the individual(s) authorized to act on behalf of the association, and the name of the association;
(4) if an individual applicant, the full legal name.

In all other sections of this form, the organization name alone will be sufficient for identification of the applicant.

C. In Section I use only those state abbreviations approved by the U.S. Postal Service.

D. Television booster stations provide a means whereby the permittee or licensee of a full-service television broadcast station may retransmit the programs and signals of such primary station to areas of low signal strength in any region within the primary station's Grade B contour. Only permittees and licensees of primary television broadcast stations may apply for television booster station authorizations. Such applications can be filed at any time. Applications for new low power television or television translator stations or for major changes in the authorized facilities of such stations can be filed only during certain "window" periods that are specified by Commission Public Notices. See 47 C.F.R. Sections 74.732(g) and 73.3572(f).

INSTRUCTIONS FOR SECTION II - ENGINEERING DATA

A. The following guidance is provided for the questions regarding environmental impact (Section II, Question 10):

(1) Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communications facility(ies) may or may not have a significant environmental impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

(a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

(b) A facility whose construction will involve significant changes in surface features.

(c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

(d) The facilities or the operation of which will cause exposure of workers or the general public to levels of radio frequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95. 1-1982), by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017.

(2) If you answer Yes, submit the required Environmental Assessment (EA). The EA includes for antenna towers and satellite earth stations:

(a) 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.

(b) A statement as to the zoning classification of the site, and communications with or proceedings before, and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

(c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(d) A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.

(3) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserve, natural migration paths for birds and other wildlife, and sites of historic, architectural or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

(4) The EA shall also be accompanied with evidence of site approval which has been obtained from local or federal land use authorities.

(5) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

(6) An EA need not be submitted to the Commission if another agency of the Federal Government has

assumed responsibility (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment and, (b) if it will affect the environment, for invoking the environmental impact statement process.

(7) If you answered No, a brief statement explaining the reasons why there will not be a significant environmental impact must be submitted. Where it is concluded that RF radiation is not present at unsafe levels, the required statement should include a description of the measures taken to protect workers and the general public from exposure to RF radiation levels in excess of the specified safety standard. In reaching such a determination, the applicant must take into account ALL non-excluded transmitters at and around the proposed station's transmitter site; that is, contributions to environmental RF levels from all nearby radio and television stations, not just the applicant's proposed station, must be considered. Additional information regarding this matter is set forth in the Commission's Public Notice of January 28, 1986, entitled "Further Guidance for Broadcasters Regarding Radiofrequency Radiation and the Environment."

INSTRUCTIONS FOR SECTION III - LEGAL QUALIFICATIONS

A. FILING LIMIT: No more than five (5) applications for new low power television or television translator stations may be filed during a single window period by any applicant, or by any individual or entity having an interest of 1% or more in applications filed in the same window period. This limit does not apply to minor or major change applications for such facilities. There is no filing limitation with respect to television booster station applications.

B. As used in Section III, the words "party to this application" have the following meanings:

APPLICANT: The individual or entity seeking the proposed facilities.

INDIVIDUAL APPLICANT: The natural person applying for the facilities in his or her own right.

PARTNERSHIP APPLICANT: All partners, including limited partners having an interest of one percent or more in profits. If any partner is a corporation or other entity, the definitions set forth below will apply.

CORPORATE APPLICANT: All officers and directors, and all persons or entities who are the beneficial or record owners or have the right to vote any capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities who are the beneficial or record owners or have the right to vote capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, of that entity shall also be considered parties to this application.

ANY OTHER APPLICANT. All executive officers, members of the governing board, and owners or subscribers to membership and ownership interests of one percent or more in the applicant.

C. MULTIPLE APPLICATIONS. Multiple applications are defined as two or more applications, filed by the same applicant, or by different applicants in which any party common to both applicants is an officer, director or has an interest of one percent or more, both of which, due to overlapping contours on the same or conflicting frequencies, cannot be granted simultaneously.

D. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the 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 corporation of which any officer or director is an alien or of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws or a foreign country. The proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is, (b) more than 25% of the directors are, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country.

Section 310 of the Communications Act has been interpreted with respect to limited partnerships to prohibit equity contributions or voting interests of insulated alien limited partners, which in the aggregate exceed 20% in a broadcast licensee or which in the aggregate exceed 25% in a partnership which holds a controlling interest in a broadcast licensee. The

interests held by aliens in a licensee through intervening domestically organized limited partnerships can be determined by multiplication of any intervening insulated interests. See Declaratory Rule Concerning Citizenship Requirements under Section 310, 103 FCC 2d 511 (1985).

E. The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

F. Commission policies and litigation reporting requirements for broadcast applicants have been revised with a view to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 4, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

INSTRUCTIONS FOR SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

A. Applicants seeking authority to construct a new low power television station are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). This is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed as part of the application. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed.

B. Guidelines for developing an Equal Employment Opportunity Program are set forth in FCC Form 396-A.

INSTRUCTIONS FOR SECTION VII - CERTIFICATIONS

A. Applicants for new low power television, television translator or television booster broadcast stations or for a major modification of the authorized facilities of such stations, or major amendments as defined in Section 73.3572(b), are required to give public notice of the filing of their applications by publication in a local newspaper in accordance with 47 C.F.R. Section 73.3580(g).

B. An applicant need not have a binding agreement or absolute assurance of the availability of the transmitter site it proposes to utilize. However, the applicant must be able to show that it has obtained reasonable assurance that the proposed site is available to it. The Commission's requirements will be satisfied where an applicant has contacted the property owner or the owner's representative and has obtained reasonable assurance, in good faith, that the proposed site will be available for the intended purpose.

NOTE: Certification of site availability is required only in applications for authority to construct a new station or to change the site of an existing facility.

C. Section 325(a) of the Communications Act of 1934, as amended, prohibits the rebroadcast of the programs of a broadcast station without the express authority of the originating station. Where the applicant is not the licensee of the primary station, written authority must be obtained prior to any rebroadcasting.

D. The original of this application form must be signed by the applicant. The required copies can be conformed. See 47 C.F.R. Section 73.3513.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In

reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 28.166 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0016), Washington, DC 20554. DO NOT send completed forms to this address. FCC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0016
Expires 04/30/97

FOR FCC USE ONLY

FCC 346

APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION

FOR COMMISSION USE ONLY

FILE NO.

SECTION I - GENERAL INFORMATION

1. APPLICANT NAME (Last, First, Middle Initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE

TELEPHONE NUMBER (include area code)	CALL LETTERS OR OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112).

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0001	$	

3. This application is for: (check one box)

☐ Low Power Television ☐ TV Translator ☐ TV Booster

(a) Proposed Channel No.	(b) Community to be served: City	State

(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities, call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of Construction Permit: _____

☐ AMENDMENT to pending application: Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

SECTION II - ENGINEERING DATA AND ANTENNA AND SITE INFORMATION

1. Facilities requested:

Output Channel No.	Transmitter Rated Power Output	Proposed Community(ies) to be served	
	kilowatts	City	State

Frequency Offset (check one)

☐ No offset ☐ Zero offset ☐ Plus offset ☐ Minus offset

Translator Input Channel No. _____

2. Proposed transmitting antenna location:

City	State	County
Address or other description of location:		Geographical coordinates of transmitting antenna to nearest second North Latitude ° ' " West Longitude ° ' "

Attach as an Exhibit a map or maps (preferably topographic, if obtainable, such as Geological Survey quandrangles) of the area of the proposed transmitting antenna location shown drawn thereon the following data:

Exhibit No.

a. Scale of kilometers
b. Proposed transmitting antenna location accurately plotted.

3. Transmitter:	Make	Type No.		Output Power P kilowatts
4. Transmission line:			Length	Rated efficiency E for length given (decimal fraction)

5. Transmitting antenna: ☐ Directional "off-the-shelf" ☐ Directional Composite (Multiple Antennas) ☐ Non-Directional

Manufacturer		Model	Description [1]
Orientation of main lobe [2]	Overall antenna structure height above ground [3]	Elevation of Site [4]	Power gain G (multiplier) in the horizontal lobe of maximum radiation relative to a halfwave dipole [5]

Effective radiated power (ERP)
(ERP = P X E X G) _____ kilowatts

Height of antenna radiation center above ground _____ meters

Height of antenna radiation center above mean sea level _____ meters [6]

1 Give basic type using general descriptive terms such as half-wave dipole, "bow-tie" with screen, corner reflector, 10 element Yagi, 4 element in-phase array, two stacked 5 element Yagis, etc.

2 For directional antennas in the horizontal plan show the direction of the main radiation lobe(s) in degrees with respect to true north in a 360 degree horizontal azimuth, numbered clockwise, with true north as zero azimuth.

3 Show overall height above ground in meters to topmost portion of structure, including highest top mounted antenna and beacon if any.

4 Show the ground elevation above mean sea level in meters at the base of the transmitting antenna supporting structure.

5 Give the actual power gain toward the radio horizon.

6 This is equal to the sum of the site elevation and the height of the antenna radiation center above ground.

SECTION II (Page 2)

6. Attach as an Exhibit a vertical plane sketch for the proposed total antenna structure, including supporting structure, giving overall height of structure in meters above ground, including lighting beacon (if any).

Exhibit No.

7. Will the proposed antenna supporting structure be shared with an AM radio station? ☐ Yes ☐ No

If Yes, list the call sign of that station: _____

8. Attach as an Exhibit a polar diagram of the radiation pattern (relative field) in the horizontal plane of the transmitting antenna showing clearly the correct relationship between the major lobe or lobes and the minor lobes of radiation and a tabulation of the pattern at every ten degrees and all maxima and minima. Applicants proposing use of multiple transmitting antennas shall submit a composite radiation pattern. If a non-directional transmitting antenna will be employed, i.e., an antenna with an approximately circulated radiation pattern, check here ☐ and omit polar diagram and tabulation. If the antenna manufacturer and model number are on the Commission's list of common "off-the-shelf" directional antennas, check here ☐ and omit polar diagram and tabulation.

Exhibit No.

9. Has FAA been notified of proposed construction? ☐ Yes ☐ No

If Yes, give date and office where notice was filed: _____

10. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute? ☐ Yes ☐ No

If Yes, attach as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

Exhibit No.

If No, explain briefly why not.

11. Unattended operation:

Is unattended operation proposed? ☐ Yes ☐ No

If Yes, and this application is for authority to construct a new station or to make changes in the facilities of an authorized station which proposes unattended operation for the first time, applicant will comply with the requirements of 47 C.F.R. Section 74.734 concerning unattended operation. ☐ Yes ☐ No

12. Is type approved broadcast equipment being specified? ☐ Yes ☐ No

If No, indicate date equipment was submitted to FCC Laboratory for approval: _____

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Date: _____

Signature
Typed or Printed Name
Telephone No. (Include area code)

☐ Technical Director ☐ Registered Professional Engineer ☐ Consulting Engineer

☐ Chief Operator ☐ Other (specify)

SECTION III - LEGAL QUALIFICATIONS

NOTE: Applicants for new stations only:

1. Applicant is (check one of the following):

☐ Individual ☐ General Partnership ☐ Corporation

☐ Other ☐ Limited Partnership ☐ Unincorporated Association

(a) If the applicant is a legal entity other than an individual, partnership, corporation or unincorporated association, describe in an Exhibit the nature of the applicant. Exhibit No.

(b) For LPTV and TV translator applicants only:

If the applicant is an individual, submit as an Exhibit the applicant's name, address and telephone number (including area code). Exhibit No.

If the applicant is a partnership, whether general or limited, submit as an Exhibit the names, addresses, and telephone numbers (including area code) of all general and limited partners (including silent partners), and the nature and percentage of the ownership interest of each partner. Exhibit No.

If the applicant is a corporation or unincorporated association, submit as an Exhibit the names, addresses and telephone numbers (including area code) of all officers, directors and other members of the governing board of the corporation or association and the nature and the percentage of their ownership interests in the applicant (including stockholders with interests of 1% or greater). Exhibit No.

2. For LPTV and TV translator applicants only, submit as an Exhibit a list of all other new applications filed during the same window period as this application in which the applicant or any principal of the applicant has any interest, include the percentage of that interest for each listed application, as well as the other applicant's name (if different) and the channel number and location of the proposed station. Exhibit No.

NOTE: No more than five (5) applications for new low power TV or TV translator stations may be filed during a single window period by any applicant, or by any individual or entity having an interest of 1% or more in applications filed in the same window period. This limit does not apply to minor or major change applictions or to TV booster applications.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

3.(a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☐ Yes ☐ No

(b) Will any funds, credit, or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents? ☐ Yes ☐ No

If Yes, provide particulars as an Exhibit. Exhibit No.

4. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fradulent statements to another governmental unit ; or discrimination? ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure concerning 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 application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter. Exhibit No.

5. Has the applicant or any party to this application had any interest in:

(a) a broadcast application which has been dismissed with prejudice by the Commission? ☐ Yes ☐ No

(b) a broadcast station which has been denied by the Commission? ☐ Yes ☐ No

(c) a broadcast station, the license for which has been revoked? ☐ Yes ☐ No

(d) a broadcast application in any Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☐ No

If the answer to any of the questions in 5 is Yes, state in an Exhibit the following:
(i) Name of party having interest;
(ii) Nature and interest or connection, giving dates;
(iii) Call letters of stations or file number of application or docket number; and
(iv) Location.

Exhibit No.

MULTIPLE APPLICATIONS

6. The applicant certifies that there is no other application pending that would be directly mutually exclusive with this application in which this applicant has an interest of one percent or more or in which any party to this application is an officer, director, or has an interest of one percent or more, direct or indirect. ☐ Yes ☐ No

IF NO, THIS APPLICATION CANNOT BE ACCEPTED FOR FILING.

REAL PARTY IN INTEREST

7. The applicant certifies that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery. ☐ Yes ☐ No

IF NO, THIS APPLICATION CANNOT BE ACCEPTED FOR FILING.

SECTION IV - PROGRAM SERVICE STATEMENT

NOTE: For Low Power Television applicants only:

Low Power Television stations must offer a broadcast program service; a non-program broadcast service will not be permitted. Therefore, briefly describe below, in narrative form, your planned programming service.

SECTION V - PREFERENCES

NOTE: Read the following material carefully before answering the questions.

1. All applicants for construction permits for new television translator stations, low power television stations and television booster stations, or for major changes in existing stations, must complete this section. Many pending proposals would create objectionable interference to other nearby proposals if all were granted and are considered mutually exclusive because only one can be granted. The winner from among mutually exclusive applicants will be selected by a lottery. In conducting a lottery, the law requires that certain preferences be awarded to encourage diversity in the ownership of mass communications media and minority ownership. An applicant with preferences will have a greater probability of winning the lottery than an applicant lacking them. Preferences will be computed by the Commission, in the manner described in 47 C.F.R. Section 1.623.

2. It is essential that information about preferences be completely accurate so that the purposes of the law can be carried out and the lottery conducted fairly. You should, therefore, read very carefully the definitions set out below before answering the questions. WINNING APPLICANTS PROVED TO HAVE MADE MISREPRESENTATIONS TO THE COMMISSION TO IMPROVE THEIR CHANCES IN THE LOTTERY WILL BE DISQUALIFIED FROM HOLDING THAT AUTHORIZATION AND MAY ALSO JEOPARDIZE OTHER PENDING APPLICATIONS.

MINORITY PREFERENCE

1. "Minority" means a person who is a member of one of the following groups: Blacks, Hispanics, American Indians, Alaska Natives, Asians and Pacific Islanders. No other groups are recognized for the purposes of the lottery.

2. If the applicant is a sole proprietor, a preference will be awarded if the applicant is a minority.

3. Other entities will be entitled to a minority preference as follows:

a. PARTNERSHIPS. If a majority of the partnership (computed on the basis of profits) is in the hands of a minority, the applicant is entitled to a preference. Note that limited or "silent" partners are to be included in determining whether a preference may be claimed. Thus, in a five-person limited partnership in which each partner is entitled to 20 percent of the profits, the partnership is eligible for a minority preference if any three partners (including three limited partners) are minorities.

b. TRUSTS. If a majority of the beneficial interests are held by minorities, the trust is entitled to a minority preference. The characteristics of the trustee are not considered.

c. UNINCORPORATED ASSOCIATIONS OR NONSTOCK CORPORATIONS WITH MEMBERS. If a majority of the members are minorities, the entity is entitled to a minority preference.

d. UNINCORPORATED ASSOCIATIONS OR NONSTOCK CORPORATIONS WITHOUT MEMBERS. If a majority of the governing board (including executive boards, boards of regents, commissions and similar government bodies where each board member has one vote) are minorities, the entity is entitled to a minority prference.

e. STOCK CORPORATIONS. If a majority of the voting shares are held by minorities, the corporation is entitled to a minority preference.

f. Where one form of entity owns an interest in a different form (e.g., a corporation owns 20 percent of a partnership), the interest owned, in its entirety, follows the characteristics of the owner. Thus, in the example, if 51 percent of the corporation's stock is voted by minorities, its entire 20 percent interest in the partnership would be considered as minority controlled when determinining whether the partnership is eligible for a minority preference.

DIVERSIFICIATION PREFERENCES

1. In general terms, a preference will be given to an applicant if it and/or its owners have no recognizable interest (more than 50 percent) in the aggregate, in any other media of mass communications. A smaller preference will be given to an applicant if it and/or its owners, in the aggregate, have a recognizable interest in no more than three mass media facilities. No preference is given, however, if any of the commonly owned mass media outlets serves the same area as the proposed station, or if the applicant and/or its owners have more than three mass media facilities. The material that follows willl set out in more detail the meaning of "own," "owner," "media of mass communications," and "serves the same area."

2. If an applicant and/or its owners, in the aggregate, do not own any other media of mass communications, the applicant is entitled to a preference. "Own" in this context means more than 50 percent ownership.

3. "Owner" means: the applicant, in the case of a sole proprietor; partner, including limited or "silent" partners, in the case of a partnership; the beneficiaries, in the case of a trust; any member, in the case of a nonstock corporation or unincorporated association with members; any member of the governing board (including executive boards, boards of regents, commissions, or similar governmental bodies where each member has one vote), in the case of nonstock corporation or unincorporated association without members; and owners of voting shares, in the case of stock corporations. For the purposes of the diversification preference, holders of less than one percent of any of the above interests will not be considered.

4. A medium of mass communications means:

a. A daily newspaper; or
b. license or construction permit for:

(1) a television station, including low power and television translator station;
(2) an AM or FM radio broadcast station;
(3) a direct broadcast satellite transponder;
(4) a cable television system; or
(5) a multipoint distribution service station.

5. The diversity preference is not available to applicants that control, or whose owners control, in the aggregate, more than 50 percent of other media of mass communications in the same area. The facilities will be considered in the "same area" if the following defined areas wholly encompass or are encompassed by the protected, predicted contour of the proposed low power television, television translator or television booster station (see 47 C.F.R. Section 74.707(a)):

a. AM broadcast station-predicted or measured 2 mV/m groundwave contour (see 47 C.F.R. Sections 73.183 or 73.186);
b. FM broadcast station-predicted 1.0 mV/m contour (see 47 C.F.R. Section 73.313);
c. Television broadcast station-Grade A contour (see 47 C.F.R. Section 73.684);
d. Low power television or television translator station-the predicted, protected contour (see 47 C.F.R. Section 74.707(a));
e. Cable television system-the franchised community of a cable system;
f. Daily newspaper-community of publication; and
g. Multipoint Distribution Service-station service area (see 47 C.F.R. Section 21.902(d)).

6. No diversity preference is available to an applicant whose proposed transmitter site is located within the franchise area of a cable system controlled (owned more than 50 percent) by the applicant and/or its owners. No diversity preference is available to an applicant whose proposed transmitter site is located within the community of publication of a daily newspaper controlled (owned more than 50 percent) by the applicant and/or its owners.

7. If an applicant and/or the owners of the applicant control no more than three other mass media facilities, none of which serve the same area as the proposed station, the applicant will be entitled to a smaller preference than an applicant with no other media facilities.

REMINDER: Do not complete the following without reading carefully the definitions and other information set out in the foregoing pages.

CERTIFICATION OF PREFERENCES

MINORITY PREFERENCE

1. The applicant certifies that it is entitled to and seeks to claim minority preference. ☐ Yes ☐ No

If Yes, complete the following:

Name	Address	Percentage Interest in the applicant	Minority Group

DIVERSIFICATION PREFERENCE

2. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications. ☐ Yes ☐ No

If Yes, DO NOT respond to Questions 3 and 4.

3. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in more than three mass communications media facilities. ☐ Yes ☐ No

4. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed station. ☐ Yes ☐ No

MORTON COLLEGE
LEARNING RESOURCES CENTER
CICERO, ILL.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

For Low Power TV applicants, will this station employ on a full-time basis five or more persons? ☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g). ☐ Yes ☐ No

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. ☐ Yes ☐ No

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted. ☐ Yes ☐ No

That person can be contacted at the following address and telephone number:

Name		Mailing Address or Identification	
City	State	ZIP Code	Telephone No. (include area code)

4. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particaular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant	Signature
Title	Date

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0017
Expires 4/30/97

INSTRUCTIONS FOR FCC 347

APPLICATION FOR A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION LICENSE

A. This form is to be used in all cases when applying for a low power television, television translator or television booster broadcast station license.

B. References to FCC rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with the current broadcast rules, which are contained in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structure"
(4) Part 73 "Radio Broadcast Services"
(5) Part 74 "Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services"

FCC rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order Desk at (202) 512-1800 for current prices.

C. Prepare an original and two copies of this form and all exhibits. Date each exhibit. The application with all required exhibits should be filed with the Federal Communications Commission in the manner and at the location specified in 47 C.F.R. Section 0.401.

D. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking a license to cover a low power television, television translator, or television booster facility authorized by, and constructed pursuant to an outstanding construction permit are required to pay and submit a fee with the filing of FCC Form 347. However, governmental entities, which include any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees and permittees of noncommercial educational FM and full-service television broadcast stations seeking to construct new low power television, television translator or television booster stations, or to make major changes in the authorized facilities of such stations, provided those stations will be operated or operate on a noncommercial educational basis. Applicants that earlier obtained either a fee refund because of a NTIA facilities grant for the station or a fee waiver because of demonstrated compliance with the eligibility and service requirements of 47 C.F.R. Section 73.621, are similarly exempt from payment of this fee. See 47 C.F.R. Section 1.1112.

To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Question 2(B). FCC Form 347 applications NOT involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 347 applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 347 should be mailed or

otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtainable either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

Payment of any required fee can be made by check, bank draft, money order or credit card. If paying by check, bank draft or money order, your 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. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159 (Remittance Advice), together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159. If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Question 1, of FCC Form 347. Question 2 need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Forms 347's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

E. The name of the applicant must be stated exactly as it appears on the construction permit which is being covered.

F. Commission policies and litigation reporting requirements for broadcast applicants have been revised with a view to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 8, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

G. The latitude and longitude coordinates for all points in the United States are based upon the 1927 North American Datum (NAD 27). The National Geodetic Survey is in the process of replacing NAD 27 with the more accurate 1983 North American Datum (NAD 83) and updating current topographic maps with NAD 83 datum. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum. To prevent

intermixing of data using two different datums, however, the Commission announced that until further notice, applicants are to furnish coordinates based on the NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations. In addition, applicants who have already filed applications with coordinates that reflect NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, entitled "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988).

H. Information called for by this application which is already on file with the Commission need not be refiled in this application provided: (1) the information is now on file in another application or FCC form filed by or on behalf of the applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, the filing date of the application or other form containing the information, and the page or paragraph referred to; and (3) after making the reference the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirely, be open to the public.

I. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is an unincorporated association; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his/her knowledge), he/she shall separately set forth his/her reasons for believing that such statements are true.

J. Be sure all necessary information is furnished and all paragraphs are fully answered. If any portions of the application are not applicable, specifically so state. Defective or incomplete applications may be returned without consideration.

K. NO PUBLIC NOTICE IS REQUIRED FOR A LICENSE APPLICATION.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0017), Washington, DC 20554. DO NOT send completed forms to this address. FCC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0017
Expires 04/30/97

FOR FCC USE ONLY

FCC 347
APPLICATION FOR A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION LICENSE

FOR COMMISSION USE ONLY
FILE NO.

1. APPLICANT NAME (Last, First, Middle Initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1113).

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0 0 0 1	$	

3. Facilities authorized by construction permit:
This application is for: ☐ Low Power Television ☐ TV Translator ☐ TV Booster

Call Sign: _____

4. Construction permit(s) covered by this application

File Number	Date of Construction Permit	Construction began	Construction completed

5. Apart from the apparatus constructed, have all terms, conditions and obligations set forth in the above-described construction permit been fully met? ☐ Yes ☐ No

If No, state exceptions in an Exhibit. Exhibit No.

6. Is the station now in satisfactory operating condition and ready for regular operation? ☐ Yes ☐ No

If No, explain in an Exhibit. Exhibit No.

7. For applicants that are not the licensee of the primary station, has written authority been obtained from the licensee of the station whose programs are to be retransmitted? ☐ Yes ☐ No

All previous editions obsolete.

8. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application, or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter.

Exhibit No.

9. STATION IDENTIFICATION. Indicate how station identification will be made:

☐ FSK ☐ By Primary Station

☐ Amplitude Modulation of FM Aural Carrier ☐ Not Required

☐ Other (Specify)

If by primary station, is current information on file with the primary station as to your call letters, exact location of your station, and the name, address and telephone number of the person to be contacted in an emergency to suspend operation of the translator? ☐ Yes ☐ No

10. Facilities authorized in construction permit:

a. Output: Channel No. Offset (check one box) ☐ + ☐ o ☐ - ☐ None	Transmitter output power	Proposed Community or Communities to be served:	Primary Station: (Translators/Boosters) Call: Channel No.: City:
b. Translator Input Channel No.	Effective radiated power (kilowatts)	City: State	State: MHz

11. Transmitter location

City	County	State

Address or other description of location	Geographical coordinates of transmitting antenna to nearest second. (Use NAD 27 datum. See Instructions.) North Latitude West Longitude o ' " o ' "

12. Does the apparatus constructed, the transmitter location, or mode of operation differ from that described in the application for construction permit or in the permit issued by the Commission? ☐ Yes ☐ No

(Low Power TV, TV translators or TV booster applicants are not permitted to use this form to change the technical parameters set forth in a construction permit.)

If Yes, describe in detail in an Exhibit the nature of the changes, particularly with regard to type of transmitter, transmitting antenna, antenna orientation, transmission line, or increase in overall height above ground in meters of either the transmitting or receiving antenna structure. Show recomputation of effective radiated power resulting from any such changes. Exhibit No.

13. If antenna obstruction painting and lighting specifications were made a part of the construction permit, have these been installed as prescribed and in proper working order? ☐ Yes ☐ No

If No, explain in an Exhibit. Exhibit No.

14. Give name, address, ZIP Code, and telephone number of person(s) to contact if transmitter must be turned off in event of emergency:

15. The applicant certifies that it will comply with applicable station identification rules. See 47 C.F.R. Sections 73.1201 and 74.783. ☐ Yes ☐ No

The APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FOREFITURE (U.S. CODE, TITLE 47, SECTION 503)

CERTIFICATION

1. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

2. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature	
Title	Date	Telephone Number (include area code)

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0405
Expires 9/30/98

INSTRUCTIONS FOR FCC 349
APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN AN FM TRANSLATOR OR FM BOOSTER STATION

GENERAL INSTRUCTIONS

A. This FCC Form is to be used to apply for authority to construct a new FM translator or booster broadcast station, or to make changes in the existing facilities of such stations. It consists of the following Sections:

I. GENERAL INFORMATION
II. ENGINEERING DATA AND ANTENNA AND SITE INFORMATION
III. LEGAL QUALIFICATIONS
IV. CERTIFICATION

An applicant for a change in facilities need not file Section III.

B. Many references to FCC Rules are made in this application form. Before filing it out, the applicant should have on hand and be familiar with the current broadcast rules contained in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
(4) Part 73 "Radio Broadcast Services"
(5) Part 74 "Experiment, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D.C. 20402. You may telephone the GPO Order desk at (202) 512-1800 for current prices.

C. Prepare an original and two copies of this form and all exhibits. The application with all required exhibits should be filed with the Federal Communications Commission in the manner and at the location specified in 47 C.F.R. Section 0.401.

D. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to construct an FM translator station or FM booster station, or to make a major change in the authorized facilities of an FM translator station, are required to pay and submit a fee with the filing of FCC Form 349. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization, or subpart thereof, controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from this fee. Also exempted from this fee are noncommercial educational FM broadcast station licensees seeking authority to construct an FM translator or booster station, provided those stations are owned and operated by the licensee of the station being rebroadcast. A licensee or permittee of an FM translator or FM booster station, which is filing a major change application and which earlier obtained a fee refund because of an NTIA facilities grant, is similarly fee exempt. See 47 C.F.R. Section 1.1112. However, permittees and licensees of FM translator stations that are not owned and operated by the station being rebroadcast, and that are operating on commercial channels, must pay all applicable fees.

To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in response to Question 2(B), Section I. FCC Form 349 applicants not involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 349 applications, which require the remittance of a fee, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 349 should be mailed or otherwise delivered is also set forth in the "Mass Media Services Fee Filing Guide" which is obtainable either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling Telephone No. 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also

contains a list of the Fee Type Codes needed to complete this application.

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

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159 (Remittance Advice), together with their application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159. If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, question 1, of FCC Form 349. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Form 349's may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application can be furnished provided the applicant clearly identifies the "return copy" and attaches to it a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide".

E. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies. Include all information called for by this application. If any portions of the application are not applicable, so state. Defective or incomplete applications will be returned without consideration. Furthermore, inadvertently accepted applications are subject to dismissal.

F. In accordance with 47 C.F.R. Section 1.65, the applicant has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION

A. The name of the applicant stated in Section I shall be:

(1) a corporation, the EXACT corporate name;
(2) a partnership, the names of all partners, and the name under which the partnership does business;
(3) an association, the name of the individual(s) authorized to act on behalf of the association, and the name of the association;
(4) an individual, the full legal name.

In all other sections of this form, the organization name alone will be sufficient for identification of the applicant.

B. In Section I use only those state abbreviations approved by the U.S. Postal Service.

C. FM translator stations operate for the purpose of retransmitting the signals of an FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, in order to provide FM broadcast service to the general public. FM broadcast booster stations operate for the sole purpose of retransmitting the signals of an FM radio broadcast station by amplifying and reradiating such signals without significantly altering any characteristic of the incoming signal other than its amplitude. Only permittees and licensees of primary FM broadcast stations may apply for FM broadcast booster station authorizations. Eligibility for FM translator station authorizations is set out in 47 C.F.R. Section 74.1232. Definition of a major change is set out in 47 C.F.R. Section 74.1233. Applications for FM booster stations and FM translator stations may be filed at any time.

INSTRUCTIONS FOR SECTION II - ENGINEERING DATA

A. FM translator and booster stations providing fill-in service may use terrestrial facilities to receive the signal being rebroadcast. Non-commercial educational translators that operate on a reserved channel (Channels 201-220 MHz) and that are owned and operated by the station being rebroadcast, may

use alternative signal delivery means, including satellite and terrestrial microwave facilities. Eligible translator and booster station operators intending to use microwave facilities must submit an FCC Form 313 to the appropriate Commission office and pay all applicable fees.

B. Directional antenna applicants must provide the following:

(1) A complete description of the antenna system, including the manufacturer and model number of the proposed directional antenna. For "custom" and composite antennas, you must provide a full description of the design of the antenna.

(2) A relative field horizontal plane pattern of the proposed directional antenna. A single pattern encompassing both the horizontal and vertical polarization is required, rather than separate patterns for horizontal and vertical polarization. The plot of the pattern must be oriented such that degrees corresponds to the direction of maximum radiation or, alternatively, in the case of an asymmetrical antenna pattern, the plot must be oriented such that degrees corresponds to the actual azimuth with respect to true North. In the case of a composite antenna composed of two or more individual antennas, the pattern required is that for the composite antenna, not the patterns for each of the individual antennas.

(3) A tabulation for the relative field pattern of the proposed directional antenna. The tabulation must use the same zero degree reference as the plotted pattern, and must contain values for at least every 10 degrees starting at 0 degrees. In addition, tabulated values of all maxima and minima, with their corresponding azimuths, must be submitted.

(4) Orientation of the major radiation lobe(s) with respect to true north **must** be clearly indicated on either the plot or the tabulation.

For further information, see 47 C.F.R. Sections 74.1235 and 73.316(c)(1), (c)(2), and (c)(3).

B. The following guidance is provided for the questions regarding environmental impact (Section II, Question 18):

(1) Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communication facility(ies) may have a significant environmental impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

(a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

(b) A facility whose construction will involve significant change in surface features.

(c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

(d) The facilities or their operation will cause exposure of workers or the general public to levels of radio frequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels With Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95. 1-1982), by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017. NOTE: This paragraph applies only to FM booster and translator stations transmitting with an ERP in excess of 100 watts. See 47 C.F.R. Section 1.1307(b) - Note 1.

(2) If you answer Yes, submit the required Environmental Assessment (EA). Include in the EA the following information, for antenna towers:

(a) 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 lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(b) A statement regarding the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental impact.

(c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(d) A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.

(3) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

(4) The EA shall also be accompanied with evidence of site approval, as obtained from local or federal land use authorities.

(5) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA. However, adequate cross-reference to such information shall be supplied.

(6) An EA does not need to be submitted to the Commission if another agency of the Federal Government has assumed responsibility: (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment and, (b) if it will affect the environment, for invoking the environmental impact statement process.

C. Specification of Coordinates: The latitude and longitude coordinates for all points in the United States are based upon the 1927 North American Datum (NAD 27). The National Geodetic Survey is in the process of replacing NAD 27 with the more accurate 1983 North American Datum (NAD 83) and updating current topographic maps with NAD 83 datum. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum. To prevent intermixing of data using two different datums, the Commission announced that until further notice, applicants are to furnish coordinates based on NAD 27 datum on all submissions; the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations. In addition, applicants who have already filed applications with coordinates that reflect NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, entitled "FCC Interim Procedures for the Specification of Geographic Coordinates,"3 FCC Rcd 1478 (1988). Accordingly, in furnishing the information called for in Section II, NAD 27 datum should be used.

INSTRUCTIONS FOR SECTION III - LEGAL QUALIFICATIONS

A. As used in Section III, the words "party to this application" have the following meanings:

APPLICANT: The individual or entity seeking the proposed facilities.

INDIVIDUAL APPLICANT: The natural person applying for the facilities in his or her own right.

PARTNERSHIP APPLICANT: All partners, including limited partners, having an interest of one percent or more in profits. If any partner is a corporation or other entity, the definitions set forth below will apply.

CORPORATE APPLICANT: All officers and directors, and all persons or entities who are the beneficial or record owners or have the right to vote any capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities who are the beneficial or record owners, or have the right to vote capital stock, membership or ownership

interests of one percent or more, or subscribers to such interests of that entity, shall also be considered parties to this application.

ANY OTHER APPLICANT: All executive officers, members of the governing board, and owners or subscribers to membership or ownership interests of one percent or more in the applicant.

B. All applicants must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the 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 corporation of which any officer or director is an alien or of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws of a foreign country. This proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is, (b) more than 25% of the directors are, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country.

Section 310 of the Communications Act has been interpreted, with respect to limited partnerships, to prohibit equity contributions or voting interests of insulated alien limited partners, which in the aggregate exceed 20% in a broadcast licensee or which in the aggregate exceed 25% in a partnership which holds a controlling interest in a broadcast licensee. The interests held by aliens in a licensee through intervening domestically organized limited partnerships can be determined by multiplication of any intervening insulated interests. See Declaratory Ruling Concerning Citizenship Requirements under Section 310, 103 FCC 2d 511 (1985).

C. The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

D. Commission 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 question 4, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications 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).

For the purposes of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commission's multiple ownership rules. See in this regard 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).

INSTRUCTIONS FOR SECTION IV - CERTIFICATION

A. All applicants filing Form 349 must be financially qualified to effectuate their proposals. Certain applicants (i.e., for a new station, to reactivate a silent station, or if specifically requested by the Commission) must demonstrate their financial qualifications by completing questions one and two. The applicant does not need to answer questions one and two if the application is for changes in operating or authorized facilities.

An applicant for a new station must attest it has sufficient net liquid assets on hand, or committed sources of funds to construct the proposed facility and operate for three months, without revenue. As used in Section IV, "net liquid assets" means the lesser amount of the net current assets or of the liquid assets shown on a party's balance sheet with net current assets being the excess of current assets over current liabilities.

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

It is Commission policy not to grant extensions of time for construction on the basis of financial inability or unwillingness to construct.

B. Section 325(a) of the Communications Act of 1934, as amended, prohibits the rebroadcast of the programs of a broadcast station without the express authority of

the originating station. If the applicant is not the licensee of the primary station, written authority must be obtained prior to filing this application.

C. An applicant need not have a binding agreement or absolute assurance of the availability of the transmitter site it proposes to utilize. However, the applicant must be able to show that it has obtained reasonable assurance that the proposed site is available to it. The Commission's requirements will be satisfied where an applicant has contacted the property owner, or the owner's representative, and has obtained reasonable assurance, in good faith, that the proposed site will be available for the intended purpose.

NOTE: Certification of site availability is required only in applications for authority to construct a new station or to change the site of an existing facility.

D. Applicants for new FM translator and booster broadcast stations, or for a major modification of the authorized facilities of such stations, are required to give local notice in a newspaper of general circulation in the community or area to be served. This publication requirement also applies with respect to major amendments, as defined in 47 C.F.R. Section 74.1233(a). Completion of publication may occur within 30 days before or after tendering of the application. Compliance or intent to comply with the public notice requirements must be certified in Section IV of this application. The information that must be contained in the notice of filing is described in 47 C.F.R. Section 73.3580(g). Proof of publication need not be filed with this application.

E. The original of this application form can only be signed and dated by the applicant or an individual qualified to sign on behalf of the applicant.

Generally, this means that the station manager and/or general manager are not qualified to sign on behalf of the applicant. The required copies can be conformed. See 47 C.F.R. Section 73.3513.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0454), Washington, D.C. 20554. DO NOT send completed forms to this address. Individuals are not required to respond to a collection of information unless it displays a currently valid OMB control number.

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

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0405
Expires 09/30/98

FOR FCC USE ONLY	

FCC 349
APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN AN FM TRANSLATOR OR FM BOOSTER STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - GENERAL INFORMATION

1. APPLICANT NAME (Last, First, Middle Initial)		
MAILING ADDRESS (Line 1) (Maximum 35 characters)		
MAILING ADDRESS (Line 2) (Maximum 35 characters)		
CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS OR OTHER FCC IDENTIFIER (IF APPLICABLE)	

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112).

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0001	$	

3. This application is for: (check one box):

☐ FM Translator ☐ FM Booster

A. Channel No.	B. Community of license:	
	City	State

C. Check one of the following boxes:

☐ NEW station

☐ MODIFICATION of Construction Permit (CP)
(Check this box only if a license for this particular CP has not been granted)

File No. of Construction Permit: _____

☐ MAJOR CHANGE in licensed facilities; call sign: _____

☐ MINOR CHANGE in licensed facilities; call sign: _____

☐ AMENDMENT of pending application

Application Reference No. _____

For amendments to a previously filed application, submit complete Form 349.

D. NATURE OF PROPOSED MODIFICATION, CHANGE OR AMENDMENT

☐ Change Frequency ☐ Relocate Station

☐ Change Antenna System ☐ Change Equipment

☐ Change Power ☐ Other (specify in an Exhibit) Exhibit No.

4. (a) To the applicant's knowledge, is this application mutually exclusive with a renewal application? ☐ Yes ☐ No

(b) To the applicant's knowledge, is this application mutually exclusive with another application? ☐ Yes ☐ No

If the answer to question 4(a) or 4(b) is Yes, state the following information:

Call Letters or File No.	Community of License	
	City	State
(a)		
(b)		

Section II - ENGINEERING DATA AND ANTENNA AND SITE INFORMATION

1. Facilities requested:

(a)

Output Channel No.	Frequency MHz	Proposed Community(ies) To Be Served	
		City	State

(b) Primary Station (station to be rebroadcast)

Call Sign	City	State	Output Channel No.	Frequency MHz

(c) Intermediate translator station - if station is to operate via another translator station

Call Sign	City	State

(d) Alternative Signal Delivery

☐ Satellite Feed ☐ Microwave ☐ Other ☐ Not Applicable

2. Proposed transmitting antenna location:

City	State	County

Address or other description of location:	Geographical coordinates of transmitting antenna to nearest second (see Instructions)
	North Latitude: ° ' " West Longitude: ° ' "

Attach as an Exhibit a map or maps (such as the Geological Survey topographic quadrangle map) of the area of the proposed transmitting antenna location, showing thereon the following data:

Exhibit No.

a. Scale in kilometers
b. Proposed transmitting antenna location accurately plotted.

For applicants proposing changes that will result in change of coverage, include in this Exhibit the location of the proposed and existing transmitting antenna sites and the proposed and existing coverage contours. See 47 C.F.R. Section 74.1233(a).

	Make	Type No.		Output Power P kilowatts
3. Transmitter:				
4. Transmission Line:			Length meters	Rated efficiency E for length given(decimal fraction)

5. Transmitting antenna ☐ Directional "Off-the-shelf" (Submit Manufacturer's patterns & tabulations) ☐ Directional Composite (Multiple Antennas) (Submit Manufacturer's patterns & tabulations) ☐ Non-directional

Manufacturer	Model	Description 1/	
Overall structure height above ground 2/ meters	Elevation of Site 3/ meters	Power Gain G 4/ H	V

Effective radiated power (ERP)
(ERP = P x E x G) _____ kilowatts (H)
_____ kilowatts (V)

Height of antenna radiation center
above ground level _____ meters (H)
_____ meters (V)
above mean sea level _____ meters (H)
_____ meters (V)

1/ Give basic type using general descriptive terms such as half-wave dipole, "bow-tie" with screen, corner reflector, 10 element Yagi, 4 element in-phase array, two stacked 5 element Yagis, etc.

2/ Show height to topmost portion of structure in meters, including highest top mounted antenna and beacon, if any.

3/ Show the ground elevation above mean sea level in meters at the base of the transmitting antenna supporting structure.

4/ Use the multiplier in lobe of maximum radiation relative to a halfwave dipole. Give the actual power gain toward the radio horizon.

6. Attach as an Exhibit a vertical plane sketch for the proposed total structure(s), including supporting structure(s), giving height of center of radiation above ground, overall height of structure above ground, including lighting beacon (if any) and height above mean sea level in meters for all significant features for BOTH RECEIVING AND TRANSMITTING ANTENNAS. Also indicate any horizontal separation between receiving and transmitting antennas. Exhibit No.

7. Will the proposed antenna supporting structure be shared with an AM radio station? ☐ Yes ☐ No

If Yes, list the call sign(s) and class of such station(s).

8. Is a directional antenna proposed? ☐ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Sections 73.316(c)(1)-(c)(3), including plot(s) and tabulations of the relative field. See Instructions for Section II - Engineering Data, paragraph (A). Exhibit No.

9. Are there any terrain features between the proposed transmitting site and the community to be served which would interfere with line-of-sight transmission to any part of the principal community? ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a description of the extent of the area affected. Exhibit No.

10. Supply terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313).

Source of terrain data: (check only one box below)

☐ Linearly interpolated 30-second database (Source _____)

☐ 7.5 minute topographic map ☐ Other (briefly summarize)

Radial bearing (degrees True) 1/		Average Elevation of Radial in meters (3 to 16 km) AMSL	Height of Radiation Center above average elevation of radial from 3 to 16 km (meters)	Predicted distance to the protected contours (0.5, 0.7 or 1.0 mV/m) 2/ (kilometers)
Booster	Translator			
0	0			
45	30			
90	60			
135	90			
180	120			
225	150			
270	180			
315	210			
	240			
	270			
	300			
	330			

1/ Additional radial(s) and related information should be provided when necesary to show interference protection.

2/ Protected contours vary depending on the class of station involved. Commercial Class B FM stations - protected contour 0.5 mV/m; Commercial Class B1 FM stations - protected contour 0.7 mV/m; all other classes of FM stations - protected contour 1 mV/m.

Based on the figures obtained from the above table, calculate the appropriate coverage contours of the translator station (see 47 C.F.R. Section 73.333) and answer questions 11 and 12.

11. Attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed coverage contour; and

(b) the protected contour of the licensed primary station to be rebroadcast. (If the primary station is authorized with facilities in excess of those specified by 47 C.F.R. Section 73.211, see Note to 47 C.F.R. Section 74.1231(h).)

12. Based on the above, is the area to be served by the translator or booster station entirely within the primary station's protected contour? ☐ Yes ☐ No

13. Is the applicant specifying a channel that is 53 or 54 channels removed from the channel of any FM radio broadcast station in the area of operations? ☐ Yes ☐ No

If Yes, attach an Exhibit showing compliance with 47 C.F.R. Section 73.207.

Exhibit No.

(Translators will be treated as Class A stations provided, however, that translators operating with less than 100 watts ERP will be treated as Class D stations and will not be subject to I.F. frequency separation requirements. (See 47 C.F.R. Section 74.1204(g).)

14. Does the applicant have any interest in an application or an authorization for an FM translator station that serves substantially the same area and rebroadcasts the same signal as the proposed FM translator station? See 47 C.F.R. Section 74.1232(b). ☐ Yes ☐ No

If Yes, submit an Exhibit, showing the technical need for the additional translator. Exhibit No.

15. For non-commercial educational applicants intending to operate on reserved channels 201-220, will the proposed operation be within the threshold distance of a TV Channel 6 station as set forth by 47 C.F.R. Section 74.1205(a)? ☐ Yes ☐ No

If Yes, submit an Exhibit showing compliance with paragraph (b), (c), or (d) of 47 C.F.R. Section 74.1205. Exhibit No.

If applicant's compliance is based on 47 C.F.R. Section 74.1205(b), the applicant certifies that it has coordinated its antenna with the affected TV Channel 6 station. ☐ Yes ☐ No

16. Has the FAA been notified of proposed construction? ☐ Yes ☐ No

If Yes, give date and office where notice was filed: _____

17. Environmental Statement (see 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure to workers or the general public, to harmful nonionizing radiation levels? ☐ Yes ☐ No

If Yes, submit as an Exhibit an Environmental Assessment as required by 47 C.F.R. Section 1.1311. If No, explain briefly why not. Exhibit No.

18. Unattended operation:

Is unattended operation proposed? ☐ Yes ☐ No

(a) If Yes, and this application is for authority to construct a new station or to make changes in the facilities of an authorized station which proposes unattended operation for the first time, the applicant certifies that it will comply with the requirements of 47 C.F.R. Section 74.1234 concerning unattended operation. ☐ Yes ☐ No

(b) In the space below state the name, address and telephone number of a person or persons who may be contacted in an emergency to suspend operation of the translator should such action be deemed necessary by the Commission.

Name		
Address (street or other description)		
City	State	Telephone No. (include area code)

19. Has the applicant proposed to use equipment that is type accepted or notified in accordance with the provisions of 47 C.F.R. Parts 73 and 74? ☐ Yes ☐ No

If No, and the equipment is to be notified or type accepted under 47 C.F.R. Section 74.1250(c), include the date the equipment was submitted to the FCC Laboratory for approval or the date the manufacturer commenced the notification process. _____

CERTIFICATION

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Signature	Typed or Printed Name
Date	Telephone No. (include area code)

☐ Technical Director ☐ Registered Professional Engineer ☐ Consulting Engineer

☐ Chief Operator ☐ Other (specify)

Section III - LEGAL QUALIFICATIONS

NOTE: Applicants for new stations only:

1. Applicant is (check one of the following):

☐ Individual ☐ General Partnership ☐ Corporation

☐ Other ☐ Limited Partnership ☐ Unincorporated Association

If the applicant is a legal entity other than an individual, partnership, corporation or unincorporated association, describe in an Exhibit the nature of the applicant. Exhibit No.

2. (a) Is the applicant for an FM translator station the licensee or permittee of the commercial primary station being rebroadcast or does the applicant or any parties to the application have any interest or connection with the commercial primary station being rebroadcast? See 47 C.F.R. Section 74.1232(d). ☐ Yes ☐ No

(b) If Yes, will the coverage contour of the translator station extend beyond the protected contour of the commercial primary station being rebroadcast? If YES, this application cannot be granted. See 47 C.F.R. Section 74.1232(d). ☐ Yes ☐ No

NOTE: Applicants who answer Yes to question (b) (and No to question (a)) are prohibited from receiving any support, before or after construction, either directly or indirectly from the commercial primary station being rebroadcast or from any person or entity having any interest whatsoever, or any connection with the primary FM station. Interested and connected parties include group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. See 47 C.F.R. Section 74.1232(e).

3. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☐ Yes ☐ No

(b) Will any funds, credit, or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents? ☐ Yes ☐ No

If Yes, provide particulars as an Exhibit. Exhibit No.

4. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) a description of the previously reported matter. Exhibit No.

5. Has the applicant or any other party to this application had any interest in:

(a) a broadcast application which has been dismissed with prejudice by the Commission? ☐ Yes ☐ No

(b) a broadcast application which has been denied by the Commission? ☐ Yes ☐ No

(c) a broadcast station, the license for which has been revoked? ☐ Yes ☐ No

(d) a broadcast application in any Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☐ No

Exhibit No.

If the answer to any of the Questions in 5 is Yes, state in an Exhibit the following:

(i) Name of party having interest;
(ii) Nature of interests or connection, giving dates:
(iii) Call letters of stations or file number of application or docket number;
(iv) Location.

Section IV - CERTIFICATIONS

NOTE: If this application is for a change in an operating facility, you DO NOT need to respond to Questions 1 and 2.

1. The applicant certifies that sufficient net liquid assets are on hand or are available from committed sources to construct and operate the requested facilities for three months without revenue. ☐ Yes ☐ No

2. The applicant certifies that: (a) it has a reasonable assurance of a present firm intention for each agreement to furnish capital or purchase capital stock by parties to this application, each loan by banks, financial institutions or others and each purchase of equipment on credit; (b) it can and will meet all contractual requirements as to the collateral, guarantees, and capital investment; and (c) it has determined that a reasonable assurance exists that all identified financial sources (excluding banks, financial institutions and equipment manufacturers) have sufficient net liquid assets to meet these commitments. ☐ Yes ☐ No

3. The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee/permittee of the primary station or any person with an interest or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e). ☐ Yes ☐ No

4. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. If No, this application is unacceptable for filing. ☐ Yes ☐ No

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.

5. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site, and has obtained reasonable assurance that the site will be available for its use if this application is granted. ☐ Yes ☐ No

That person can be contacted at the following address and telephone number:

Name		Mailing Address or Identification	
City	State	ZIP Code	Telephone No. (include area code)

6. For new station and major change applications only, the applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. ☐ Yes ☐ No

7. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

THE ORIGINAL OF THIS APPLICATION FORM MUST BE SIGNED AND DATED BY THE APPLICANT. THE REQUIRED COPIES CAN BE CONFORMED. SEE 47 C.F.R. SECTION 73.3513.

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory powers of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

8. I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant	Signature
Title	Date

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0404
Expires 1/31/97

FCC 350

APPLICATION FOR AN FM TRANSLATOR OR FM BOOSTER STATION LICENSE

INSTRUCTIONS

A. This form is to be used in all cases when applying for an FM translator or FM booster broadcast station license.

B. References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with the current broadcast rules, which are contained in 47 Code of Federal Regulations (C.F.R.):

(1) Part 0 "Commission Organization"
(2) Part 1 "Practice and Procedure"
(3) Part 17 "Construction, Marking, and Lighting of Antenna Structure"
(4) Part 73 "Radio Broadcast Service"
(5) Part 74 "Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services"

FCC rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order Desk at (202) 783-3238 for current prices.

C. Prepare an original and one copy of this form and all exhibits. Number exhibits serially in the spaces provided in the body of the form. Date each exhibit. The application with all required exhibits should be filed with the Federal Communications Commission in the manner and at the location specified in 47 C.F.R. Section 0.401.

D. The name of the applicant must be stated exactly as it appears on the construction permit which is being covered.

E. FEES. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking a license to cover the FM translator or FM booster facility authorized by, and constructed pursuant to, an outstanding permit are required to pay and submit a fee with the filing of FCC Form 350. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are noncommercial educational FM broadcast station licensees seeking a license for an FM translator or booster station provided those stations will operate on a noncommercial basis. Applicants that obtained NTIA funding for the construction of their facilities and a refund of the fees tendered with the filing of FCC Form 349 and that will operate those stations on a noncommercial basis are similarly exempted from this fee. To avail itself of any fee exemption, the applicant must indicate its eligibility by checking the appropriate box in Section I(B). FCC Form 350 applications not involving the payment of a fee can be hand-delivered or mailed to the FCC's Washington, D. C. offices. See 47 C.F.R. Section 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All FCC Form 350 applications, which require the remittance of a fee or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 350 should be mailed or otherwise delivered is set forth in the "Mass Media Services Fee Filing Guide" which can be obtained either by writing to the Commission's Form Distribution Center, 2803 52nd Avenue, Hyattsville, Maryland, 20781, or by calling (202) 418-FORM and leaving your request on the answering machine provided for this purpose. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

A separate fee payment must be submitted for each FCC Form 350. Payment of any required fee can be made by check, bank draft, money order, or credit card payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing.

Applicants who wish to pay their filing fee by **money order or credit card** must submit FCC Form 159, together with their license application. Applicants who wish to pay for **more than one application in the same lockbox** with a single payment must also submit FCC Form 159. When paying for multiple filings in the same lockbox with a single payment instrument, you must list each filing as a separate item on FCC Form 159 (Remittance Advice). If additional entries are necessary, please use FCC Form 159C (Continuation Sheet). Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, question 1, of FCC Form 350. Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead.

Payment of application fees may also be made by Electronic Payment provided prior approval has been obtained from the Commission. Licensees interested in this option must first

contact the Billings and Collections Branch at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Form 350 may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications if an exact copy of FCC Form 350 is provided, along with a self-addressed stamped envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee or the payment of the fee, refer to the "Mass Media Services Fee Filing Guide."

F. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct that violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 13, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC 2d 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

For the purpose of Question 13, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is cognizable under the Commissions multiple ownership rules. See in this regard 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).

G. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his/her knowledge), he/she shall separately set forth his/her reasons for believing that such statements are true.

H. BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.

I. NO PUBLIC NOTICE IS REQUIRED FOR A LICENSE APPLICATION.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

Public reporting burden for this collection of information is estimated to average 3 hours and 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0404), Washington, DC 20554.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0404
Expires 01/31/97

FOR FCC USE ONLY

FCC 350
APPLICATION FOR AN FM TRANSLATOR OR FM BOOSTER STATION LICENSE

FOR COMMISSION USE ONLY

FILE NO.

1. APPLICANT NAME (Last, First, Middle Initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY	STATE OR COUNTRY (if foreign address)	ZIP CODE
TELEPHONE NUMBER (include area code)	CALL LETTERS	

2. A. Is a fee submitted with this application? ☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112).

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
	0001	$	

3. Facilities authorized by construction permit

This application is for: ☐ FM Translator ☐ FM Booster

4. Construction permit(s) covered by this application

File Number(s)	Date of Construction Permit	Construction began	Construction completed

Is the station now in satisfactory operating condition and ready for regular operation? ☐ Yes ☐ No

If No, explain in an Exhibit. Exhibit No.

For applicants that are not the licensee of the primary station, has written authority been obtained from the licensee of the station whose programs are to be retransmitted? ☐ Yes ☐ No

Apart from the apparatus constructed, have all terms, conditions and obligations set forth in the above-described construction permit been fully met? ☐ Yes ☐ No

If No, state exceptions in an Exhibit. Exhibit No.

All previous editions obsolete.

5. STATION IDENTIFICATION. Indicate how station identification will be made:

☐ FSK ☐ By Primary Station

☐ Amplitude Modulation of FM Aural Carrier ☐ Not Required

☐ Other (Specify)

If identification will be made by primary station, is current information on file with the primary station as to your call letters, exact location of your station, and the name, address and telephone number of the person to be contacted in an emergency to suspend operation of the translator? ☐ Yes ☐ No

ENGINEERING DATA

6. Facilities authorized in construction permit:

a. Output Channel No.	Community or Communities being served:	Primary Station:
b. Translator Input Channel No. or Call		Call:
c. Effective Radiated Power (ERP) _____ kilowatts (H) kilowatts (V)	State:	City: State:

7. Transmitter location

City	County	State

Address or other description of location	Geographical coordinates of transmitting antenna to nearest second. (Use NAD 27 datum. See Instructions.) North Latitude West Longitude ° ' " ° ' "

8. Does the apparatus constructed, the transmitter location, or mode of operation DIFFER from that described in the application for construction permit or in the permit issued by the Commission? ☐ Yes ☐ No

If Yes, describe in detail in an Exhibit the nature of the changes, particularly with regard to type of transmitter, transmitting antenna, antenna orientation, transmission line, or increase in overall height above ground in meters of either the transmitting or receiving antenna structure. Show recomputation of effective radiated power resulting from any such changes. Exhibit No.

NOTE: FM translator and booster applicants are not permitted to use this form to change the technical parameters set forth in the construction permit. See 47 C.F.R. Section 74.1251.

9. If antenna obstruction painting and lighting specifications were made a part of the construction permit, have these been installed as prescribed and in proper working order? ☐ Yes ☐ No

Exhibit No.

If No, explain in an Exhibit.

10. Give name, address, ZIP Code, and telephone number of person(s) to contact if transmitter must be turned off in event of emergency:

11. The applicant certifies that it will comply with applicable station identification rules. See 47 C.F.R. Sections 73.1201 and 74.1283. ☐ Yes ☐ No

12. For applicants using directional antennas, the applicant certifies that the antenna is mounted in accordance with the specific instructions provided by the antenna manufacturer and is mounted in the proper orientation. See 47 C.F.R. Sections 73.316 and 74.1235(i). ☐ Yes ☐ No

13. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? ☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application, or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter.

Exhibit No.

The APPLICANT hereby 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 the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FOREFITURE (U.S. CODE, TITLE 47, SECTION 503))

CERTIFICATION

1. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☐ Yes ☐ No

2. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature	
Title	Date	Telephone Number

NOTICE

Submit two copies

Submit two copies

Enclosed you will find the 1996 Annual Employment Report (FCC Form 395-B). **Every** broadcast station, including educational, religious stations with an all volunteer staff and stations with fewer than 5 full-time employees, **must** file **two** copies of the form by **May 31, 1996**. Networks and headquarter units must also file two copies by the same deadline.

Please read carefully the accompanying instructions and pay particular attention to:

(a) stations with fewer than 5 full-time employees (complete page 1 only);

(b) the proper classification of employees;

(c) payroll period to be used (same as last year);

(d) filing of combined AM-FM reports; and

(e) filing of headquarter reports
(DO NOT CHECK THE HQ BOX ON PAGE 1 UNLESS YOU ARE REPORTING EMPLOYEES THAT DO **NOT** WORK AT THE STATION).

Also, if your station is new or had a call letter change since your last 395-B filing, please indicate in Section II B that the call letters are NEW and provide the FORMER call letters if they have changed.

Return the completed form in duplicate to FCC, 1919 "M" Street, N.W., Washington, D. C. 20554. Forms filed prior to the deadline will greatly expedite our processing. All reports filed after the **May 31st** deadline will be considered delinquent. Failure to file may result in penalties or delay the grant of your application for renewal of license. You are reminded that one copy is to be placed in your public inspection file. Should you have any questions concerning the completion of this form call the EEO Branch at (202) 418-1450.

Thank you for your cooperation.

FCC 5036-B
March 1996

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0390
Expires 11/30/96

INSTRUCTIONS FOR COMPLETION OF FCC FORM 395-B BROADCAST STATION ANNUAL EMPLOYMENT REPORT

1. Who Must File

All licensees and permittees of commercial and noncommercial AM, FM, LPTV, TV and international BROADCAST stations.

2. What Information Must Be Filed

a. If the filing concerns a particular reporting unit (see item 5 below) which had fewer than 5 full-time employees during the selected payroll period (see item 4 below), (a) so indicate in Section III of the form; (b) provide the pertinent identifying information asked for in Sections I and II; (c) complete and sign the certification statement in Section IV of the form. Do not provide the substantive information (statistical data) asked for in Sections V-A and V-B.

b. If the filing concerns a particular reporting unit which had 5 or more full-time employees during the selected payroll period, (a) provide the pertinent identifying information asked for in Sections I and II, and all information asked for in Sections V-A and V-B; and (b) complete and sign the certification statement in Section IV.

3. When and Where to File

Send TWO copies of each Annual Employment Report required under these instructions to the Federal Communications Commission, 1919 M Street, N.W., Washington, D. C. 20554, no later than MAY 31 of each year.

4. Reporting Period

The employment data filed on FCC Form 395-B must reflect the employment figures from any one payroll period in January, February or March. The same payroll period should be used in each year's report.

5. Reporting Units

The employment data filed on FCC Form 395-B must be filed in duplicate:

a. For each AM, FM, LPTV, TV and international broadcast station, whether commercial or noncommercial; except that a combined report must be filed for an AM and an FM station, both of which are: (1) under common ownership; and (2) assigned to the same principal city or to different cities within the same metropolitan statistical area.

b. For each Headquarters Office of a multiple station owner report those employees whose primary duties lie in the operation of the individual stations. (A separate Form 395-B need not be filed to cover headquarters employees whose duties relate to the operation of an AM and an FM station covered in a combined AM-FM Report under (a) above, if all such employees are included in such combined AM-FM Report).

6. Race/Ethnic Categories

a. White, not of Hispanic Origin - a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

b. Black, not of Hispanic Origin - A person having origins in any of the black racial groups of Africa.

c. Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

d. Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for examples, China, Japan, Korea, the Philippine Islands, and Samoa.

e. American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

7. Job Categories

The following "job category definitions" are provided for your guidance and may be used in completing FCC Form 395-B. A "Comboperson" is to be listed in the job category which represents the work primarily done by that person; a "Comboperson" is to be listed only once. Specific job titles below are not all inclusive or rigid. The proper categorization of any employee depends on the kind and level of the employees' responsibilities.

a. **Officials and Managers** - Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: presidents and other corporate officers, general managers, station managers, controllers, chief accountants, general counsels, chief engineers, facilities managers, sales managers, business managers, promotion directors, research directors, personnel managers, news directors, operations managers, and production managers.

b. **Professionals** - Occupations requiring either college graduation or experience of such a kind and amount as to provide a comparable background. Includes: on-air personnel, correspondents, producers, writers, editors, researchers, designers, artists, musicians, dancers, accountants, attorneys, nurses, publicists, film buyers, rating and research analysts, systems analysts and programmers, financial analysts, state managers, cinema photographers, senior staff assistants, personnel interviewers, and continuity directors.

c. **Technicians** - Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: engineers, technicians and engineering aides, including: transmitter, studio maintenance and master control engineers, and news camera, news sound, film lab and drafting technicians. Also film editors, projectionists, and software specialists.

◄ DO NOT RETURN THESE INSTRUCTIONS TO THE COMMISSION ►

d. Sales - Occupations engaging wholly or primarily in direct selling. Includes: sales account executives, sales analysts, account representatives and sales trainees.

e. Office and Clerical - Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though same manual work not directly involved with altering or transporting the products is included. Includes: secretaries, production assistants, traffic managers, traffic department employees, telephone operators, junior rating and research analysts, assistant camera technicians, news and feature assistants, billing clerks, mail clerks, messengers, cashiers, typists, key punch operators, bookkeepers, photo lab assistants, librarians, (music, film or other) readers, administrative assistants, tab operators, TWX operators, PBX operators, printing and duplicating operations, production coordinators, ledger clerks, operations assistants, pages and guides, stock clerks, office machine operators, including computer console operators. (The position of traffic managers and administrative assistants have been included in the office and clerical category because in most instances they are not truly managerial positions. However, those stations that require managerial functions of either position (director of a full department or special phase of the film's operation) may include in the officials and managers category.)

f. Craftsperson (skilled) - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: electricians, machinists, building construction workers, hair stylists, carpenters, painters, make-up artists, wardrobe person, heating and air conditioning mechanics.

g. Operatives (semiskilled) - Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: chauffeurs, mobile messengers, drivers, apprentice carpenters and painters, scenic artists, film department assistants, material handlers. (Apprentices - persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

h. Laborers (unskilled) - Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: studio grips, property persons, laborers performing lifting, pulling, piling, loading, etc., carwashers, set up helpers.

i. Service Workers - Workers in both protective and nonprotective service occupations. Includes: cooks, counter and fountain workers, elevator operators, guards and watchpersons, doorkeepers, stewards, janitors, waiters and waitresses.

8. Total

Include in this column all employees in the Reporting Unit covered in the individual FCC Form 395-B. Consider as "full-time" employees all those working 30 or more hours a week.

9. Minority Group Identification

a. Minority group information necessary for this section may be obtained either by visual surveys of the work force, or from post employment records as to the identity of employees. An employee may be included in the minority group to which she or he appears to belong, or is regarded in the community as belonging.

b. Since visual surveys are permitted, the fact that minority group identifications are not present on the company records is not an excuse for failure to provide the data called for.

c. Conducting a visual survey and keeping post-employment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State Laws. State laws prohibiting inquiries and record-keeping as to race, etc., relate only to applicants for jobs, not to employees.

d. FCC Form 395-B provides for reporting American Indians or Alaskan Natives; Asians or Pacific Islanders; Black, not of Hispanic origin; Hispanics, Whites, not of Hispanic origin; whenever such persons are employed. The category which most closely reflects the individual's recognition in his community should be used to report persons of mixed racial and/or ethnic origins.

10. Networks & Group Owners

Broad[illegible] networks will file employment data in their role as gro[illegible]ners and report employees whose primary duties [illegible]the operation and/or management of the indivi[illegible]adcast station.

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in the application to determine if the benefit requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 10 minutes to 1 hour, with an average of 53 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0390), Washington, DC 20554. DO NOT send completed forms to this address. FCC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L.104-13, May 22, 1995, 44 U.S.C. 3507.

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0390
Expires 11/30/96

BROADCAST STATION
ANNUAL EMPLOYMENT REPORT 1996

(For FCC Use Only)
Code No.

SECTION I

A. Name of Licensee or Permittee	B. Address

SECTION II

A. TYPE OF RESPONDENT (check ONLY one)

COMMERCIAL BROADCAST STATION				NONCOMMERCIAL BROADCAST STATION		HEADQUARTERS	
AM	☐ AM	TV	☐ TV	ER	☐ Educational AM or FM Radio	HQ	☐
FM	☐ FM	LP	☐ Low Power TV	ET	☐ Educational TV		
AF	☐ Combined AM & FM in same area (must file a combined report)	IN	☐ International				

B. List call letters and location(s) of included stations. AM station is to be listed first in a combined report. Provide former call letters for each station if changed since last 395-B report.

CURRENT CALL LETTERS	LOCATION(S)	FORMER CALL LETTERS

SECTION III

A. PAYROLL PERIOD COVERED BY THIS REPORT (DATE) _____

B. CHECK APPLICABLE BOX

☐ Fewer than five full-time employees during the selected payroll period (Complete page one only and certification statement and return to FCC)

☐ Five or more full-time employees during selected payroll period (Complete all sections of form and certification statement and return to FCC)

SECTION IV CERTIFICATION

This report must be certified, as follows: (a) By licensee, if an individual; (b) By a partner, if a partnership (general partner, if a limited partnership); (c) By an officer, if a corporation or an association; or (d) By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed _____ Title _____

Print Name _____ Date _____ Telephone No. (____) _____

SECTION V - EMPLOYEE DATA

A. FULL-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-j)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

A. PART-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-j)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0390
Expires 11/30/96

BROADCAST STATION
ANNUAL EMPLOYMENT REPORT 1996

(For FCC Use Only)
Code No.

SECTION I

A. Name of Licensee or Permittee	B. Address

SECTION II

A. TYPE OF RESPONDENT (check ONLY one)

COMMERCIAL BROADCAST STATION				NONCOMMERCIAL BROADCAST STATION		HEADQUARTERS	
AM ☐	AM	TV ☐	TV	ER ☐	Educational AM or FM Radio	HQ ☐	
FM ☐	FM	LP ☐	Low Power TV	ET ☐	Educational TV		
AF ☐	Combined AM & FM in same area (must file a combined report)	IN ☐	International				

B. List call letters and location(s) of included stations. AM station is to be listed first in a combined report. Provide former call letters for each station if changed since last 395-B report.

CURRENT CALL LETTERS	LOCATION(S)	FORMER CALL LETTERS

SECTION III

A. PAYROLL PERIOD COVERED BY THIS REPORT (DATE) _____

B. CHECK APPLICABLE BOX

☐ Fewer than five full-time employees during the selected payroll period (Complete page one only and certification statement and return to FCC)

☐ Five or more full-time employees during selected payroll period (Complete all sections of form and certification statement and return to FCC)

SECTION IV CERTIFICATION

This report must be certified, as follows: (a) By licensee, if an individual; (b) By a partner, if a partnership (general partner, if a limited partnership); (c) By an officer, if a corporation or an association; or (d) By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

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I certify to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed _____ Title _____

Print Name _____ Date _____ Telephone No. (____) _____

SECTION V - EMPLOYEE DATA

A. FULL-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-j)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

A. PART-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-j)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0390
Expires 11/30/96

BROADCAST STATION
ANNUAL EMPLOYMENT REPORT 1996

(For FCC Use Only)
Code No.

SECTION I

A. Name of Licensee or Permittee	B. Address

SECTION II

A. TYPE OF RESPONDENT (check ONLY one)

COMMERCIAL BROADCAST STATION				NONCOMMERCIAL BROADCAST STATION		HEADQUARTERS	
AM	☐ AM	TV	☐ TV	ER	☐ Educational AM or FM Radio	HQ	☐
FM	☐ FM	LP	☐ Low Power TV	ET	☐ Educational TV		
AF	☐ Combined AM & FM in same area (must file a combined report)	IN	☐ International				

B. List call letters and location(s) of included stations. AM station is to be listed first in a combined report. Provide former call letters for each station if changed since last 395-B report.

CURRENT CALL LETTERS	LOCATION(S)	FORMER CALL LETTERS

SECTION III

A. PAYROLL PERIOD COVERED BY THIS REPORT (DATE) _____

B. CHECK APPLICABLE BOX

☐ Fewer than five full-time employees during the selected payroll period (Complete page one only and certification statement and return to FCC)

☐ Five or more full-time employees during selected payroll period (Complete all sections of form and certification statement and return to FCC)

SECTION IV CERTIFICATION

This report must be certified, as follows: (a) By licensee, if an individual; (b) By a partner, if a partnership (general partner, if a limited partnership); (c) By an officer, if a corporation or an association; or (d) By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed _____ Title _____

Print Name _____ Date _____ Telephone No. (____) _____

SECTION V - EMPLOYEE DATA

A. FULL-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-j)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

A. PART-TIME PAID EMPLOYEE DATA

JOB CATEGORIES	TOTAL (a-j)	MALE					FEMALE				
		WHITE (NOT HISPANIC) (a)	BLACK (NOT HISPANIC) (b)	HISPANIC (c)	ASIAN OR PACIFIC ISLANDER (d)	AMERICAN INDIAN, ALASKAN NATIVE (e)	WHITE (NOT HISPANIC) (f)	BLACK (NOT HISPANIC) (g)	HISPANIC (h)	ASIAN OR PACIFIC ISLANDER (i)	AMERICAN INDIAN, ALASKAN NATIVE (j)
OFFICIALS & MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
TOTAL											

Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0113
Expires 12/31/96

BROADCAST EQUAL EMPLOYMENT OPPORTUNITY PROGRAM REPORT

(To be filed with broadcast license renewal application)

(For FCC Use Only)
Code No.

Call Letters ..... _____

Name of Licensee ..... _____

City and State which station is licensed to serve ..... _____

TYPE OF BROADCAST STATION (Check one)

Commercial Broadcast Station

- ☐ AM
- ☐ FM
- ☐ Combined AM & FM in same area
- ☐ TV
- ☐ Low Power TV
- ☐ International

Noncommercial Broadcast Station

- ☐ Educational Radio
- ☐ Educational TV

SEND NOTICES AND COMMUNICATIONS TO THE FOLLOWING NAMED PERSON AT THE ADDRESS INDICATED BELOW:

Name	Street Address		
City	State	ZIP Code	Telephone No. ( )

FILING INSTRUCTIONS

Broadcast station licensees are required to afford equal opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, national origin, and sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, a license renewal applicant who employs five or more full-time station employees must file a report of its activities to ensure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). If minority group representation in the available labor force is less than five percent (in the aggregate), equal employment opportunity (EEO) program information for minority group members need not be filed. However, EEO program information must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant employs fewer than five full-time employees, no equal employment opportunity activity information need be filed.

A copy of this report must be kept in the station's public file. These actions are required to obtain license renewal. Failure to meet these requirements may result in license renewal being delayed or denied. These requirements are contained in Section 73.2080 of the FCC Rules (47 CFR 73.2080), and are authorized by the Communications Act of 1934, as amended.

☐ If your station employs fewer than five full-time employees, check the box at left, complete the certification below, return the form to the FCC, and place a copy in your station's public file. You do not have to complete the rest of the form.

If your station employs five or more full-time employees, you must complete all of this form and follow all instructions.

☐ If minority group representation in the available labor force is less than 5 percent (in the aggregate) and you choose not to file EEO program information for minority groups, check the box at left and complete the rest of this form with only the information for your program directed towards women.

CERTIFICATION

This report must be certified, as follows:

A. By licensee, if an individual;

B. By a partner, if a partnership (general partner, if a limited partnership);

C. By an officer, if a corporation or an assocation; or

D. By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(11), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed
Title
Date
Name of Respondent
Telephone No. (include area code)

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

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the license renewal requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the license renewal application should be granted, denied, dismissed or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-0113), Washington, DC 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

The purpose of this document is to remind broadcast station licensees of their equal employment opportunity responsibilities and to provide the licensee, the FCC and the public with information about whether the station is meeting these requirements.

GENERAL POLICY

A broadcast station must provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

A broadcast station must also encourage applications from qualified minorities and women for hiring and promotion to all types of jobs at the station.

I. RESPONSIBILITY FOR IMPLEMENTATION

A broadcast station must asign a particular official overall responsibility for equal employment opportunity at the station. That official's name and title are:

NAME _____ TITLE _____

It is also the responsibility of all persons at a broadcast station making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that no person is discriminated against in employment because of race, color, religion, national origin or sex.

II. POLICY DISSEMINATION

A broadcast station must make effective efforts to make management, staff, and prospective employees aware that it offers equal employment opportunity. The Commission considers the efforts listed below to be generally effective. Indicate each practice that your station follows. You also may list any other efforts that you have undertaken.

☐ Notices are posted informing applicants and employees that the station is an Equal Opportunity Employer and that they have the right to notify an appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.

☐ Our station's employment application form contains a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.

☐ We seek the cooperation of the unions represented at the station to help implement our EEO program and all union contracts contain a nondiscrimination clause.

☐ Other (specify)

III. RECRUITMENT

A broadcast station must make efforts to attract qualified minority and women applicants for all types of jobs at the station whenever vacancies occur.

Indicate each practice that your station follows and, where appropriate, list sources and numbers of referrals.

☐ When we place employment advertisements with media some of such advertisements are placed with media which have significant circulation or viewership, or are of particular interest to minorities and women in the recruitment area. Examples of media utilized during the past 12 months and the number of minority and/or women referrals are:

	Number of Referrals	
	Minority	Women
_____	_____	_____
_____	_____	_____

☐ Recruit prospective employees from educational institutions, including area schools and colleges with minority and women enrollments. Educational institutions contacted for recruitment purposes during the past 12 months and the number of minority and/or women referrals are:

Educational Institution	Number of Referrals Minority	Women
_____	_____	_____
_____	_____	_____

☐ Contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of such organizations contacted during the past 12 months are:

Organization	Number of Referrals Minority	Women
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ We encourage present employees to refer qualified minority and women candidates for job openings. The number of minority and/or women referrals are: Minority _____ Women _____

☐ Other (specify) and the number of minority and/or women referrals are: Minority _____ Women _____

IV. JOB HIRES

A broadcast station must consider applicants for job openings on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for available positions, it must make efforts to encourage them to apply for job openings.

During the twelve-month period prior to filing this application beginning (Month-Day-Year) _____ and ending (Month-Day-Year), _____ we hired:

Total hires _____ Minorities _____ Women _____

During this period, for positions in the upper four job categories, we hired:

Total hires, upper four categories _____ Minorities _____ Women _____

V. PROMOTIONS

A broadcast station must promote individuals on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for promotional opportunities, it must make efforts to encourage them to qualify and apply for advancement.

During the twelve-month period prior to filing this application beginning (Month-Day-Year) _____ and ending (Month-Day-Year) _____, we promoted:

Total promotions _____ Minorities _____ Women _____

During this period, in the upper four job categories, we promoted:

Total promotions, upper four categories _____ Minorities _____ Women _____

VI. AVAILABLE LABOR FORCE

A broadcast station must evaluate its employment profile and job turnover against the availability of minorities and women in the relevant labor market. The FCC will use labor force data for the MSA in which your station is located, or county data if the station is not located in an MSA, to evaluate your station's equal employment efforts. If you use these data in your evaluation, you need not submit them to the FCC.

This section is optional:

As an alternative to MSA or county labor force data, you may use other data that more accurately reflect the percentages of women and minorities in the labor force available to your station. If such alternative data are used, that data must be submitted on the table below and an explanation attached as to why they are more appropriate.

Percentage in the Labor Force	Women	Blacks not of Hispanic Origin	Asian or Pacific Islanders	American Indians or Alaskan Natives	Hispanics

The above information is for: ☐ M.S.A. ☐ City ☐ County

☐ Other (specify)

VII. COMPLAINTS

You must provide here a brief description of any complaint which has been filed before any body having competent jurisdiction under Federal, State, territorial or local law, alleging unlawful discrimination in the employment practices of the station including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter. Examples of such jurisdiction may include the Equal Employment Opportunity Commission, state and local equal opportunity commissions, or other appropriate agencies.

VIII. OTHER INFORMATION

You may also describe other information that you believe would allow the FCC to evaluate more completely your efforts in providing equal opportunity in employment at your station. Submission of such information is optional. Among the additional information you may choose to provide are:

Any training programs the station has undertaken that are designed to enable minorities and women to compete in the broadcast employment market including, but not necessarily limited to, on-the-job training and assistance to students, schools or colleges.

Any problems the station has experienced in assuring equal employment opportunity, or attracting qualified minority and women candidates for employment or promotion.

Any efforts the station has undertaken or will undertake to promote equal opportunity in its employment and to encourage applications from minorities and women.

Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0120
Expires 11/30/96

BROADCAST EQUAL EMPLOYMENT OPPORTUNITY

MODEL PROGRAM REPORT

1. APPLICANT

Name of Applicant	Address
Telephone Number (include area code)	

2. This form is being submitted in conjunction with:

☐ Application for Construction Permit for New Station ☐ Application for Assignment of License

☐ Application for Transfer of Control

(a) Call letters (or channel number of frequency) ..... _____

(b) Community of License (city and state) ..... _____

(C) Service:

☐ AM ☐ FM ☐ TV ☐ Other (Specify) _____

INSTRUCTIONS

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin or sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives and Hispanics). This is submitted to the Commission as the Model EEO Program. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. In such cases, a statement so indicating must be set forth in the EEO model program. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ fewer than five full-time employees, no EEO program for women or minorities need be filed.

Guidelines for a Model EEO Program and a Model EEO Program are attached.

NOTE: Check appropriate box, sign the certification below and return to FCC:

☐ Station will employ fewer than 5 full-time employees; therefore no written program is being submitted.

☐ Station will employ 5 or more full-time employees. Our Model EEO Program is attached. (You must complete **all** sections of this form.)

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this _____ day of _____ , 19 __

Signed _____

Title _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE , TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

GUIDELINES TO THE MODEL EEO PROGRAM

The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. GENERAL POLICY

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of qualified minorities and women in the relevant available labor force.

II. RESPONSIBILITY FOR IMPLEMENTATION

This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. POLICY DISSEMINATION

The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. RECRUITMENT

The applicant should specify the recruitment sources and other techniques it proposes to use to attract qualified minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of qualified minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

V. TRAINING

Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist in its effort to increase the available pool of qualified minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I. GENERAL POLICY

It will be our policy to provide employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. RESPONSIBILITY FOR IMPLEMENTATION

(Name/Title) will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to the recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. POLICY DISSEMINATION

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

☐ The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.

☐ Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State or Federal agency if they believe they have been the victims of discrimination.

☐ We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.

☐ Other (specify)

IV. RECRUITMENT

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration whenever job vacancies occur, we propose to utilize the following recruitment procedures:

☐ We will contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of organizations we intend to contact are:

☐ In addition to the organizations noted above, which specialize in minority and women candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:

☐ When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with minority and women enrollments. Educational institutions to be contacted for recruitment purposes are:

☐ When we place employment advertisements with media some of such advertisements will be placed in media which have significant circulation or viewership or are of particular interest to minorities and women. Examples of media to be utilized are:

☐ We will encourage employees to refer qualified minority and women candidates for existing and future job openings.

V. TRAINING

☐ Station resources and/or needs will be such that we will be unable or do not choose to institute programs for upgrading the skills of employees.

☐ We will provide on-the-job training to upgrade the skills of employees.

☐ We will provide assistance to students, schools, or colleges in programs designed to enable qualified minorities and women to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary	Proposed Form of Assistance
_____	_____
_____	_____
_____	_____

☐ Other (specify)

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

Paperwork Reduction Act. Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0120), Washington, D.C. 20503.

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the application requested is consistent with the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Application for Antenna Structure Registration
(Form 854 attached)

GENERAL INSTRUCTIONS

NOTE: This is not an application for authorization to build a radio facility or transmit from it. This FCC form is to be used for the purpose of registering structures used for wire or radio communication services within the United States, or to make changes to an existing registered structure, or to notify the Commission of the dismantlement of a structure. Registration with the Commission is required for any construction or alteration of an antenna structure which requires FAA notification as prescribed by the FAA in 14 CFR Part 77.17:

(1) Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(a) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each airport as specified in paragraph 3 with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliport and seaplane bases without specified boundaries.

(b) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each airport as specified in paragraph 3 with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliport and seaplane bases without specified boundaries.

(c) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph 3.

(3) Any construction of an antenna structure (or any alteration of an antenna structure that would increase its height) on any of the following airports (including heliports):

(a) An airport that is available for public use and is listed in the Airport Directory or current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(b) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that the airport will be available for public use.

(c) An airport that is operated by an armed forces of the United States.

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

Registration with the FCC is not required in the above circumstances if construction or alteration meets one of the following criteria as identified by the FAA in 14 CFR Part 77.15:

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, **and** would be located in the congested area of a city, town or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(2) Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure.

(3) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meterological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

A separate FCC Form 854 must be filed for each antenna structure or each tower of an array. Mail application along with any requested document(s) to:

Federal Communications Commission
Support Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

Detach and retain these instructions prior to mailing the completed form to the Commission. No fee is required to register an antenna structure.

SPECIFIC INSTRUCTIONS

ITEMS 1 - 3 - Enter the full legal name of the owner of the antenna structure. If owner is:

(1) an individual doing business in his/her own name, enter last name, first name, middle initial.

(2) an individual doing business under a firm or company name (sole proprietorship), enter both individual's name and the firm name. Doing business may be abbreviated as "dba".

(3) a partnership doing business under a firm or company name, enter the full name of the partnership.

(4) an unincorporated association, enter the name of the association.

(5) a corporation or governmental entity, enter the full legal name of the entity.

Enter the area code and daytime telephone number where the owner can be reached during normal business hours.

ITEMS 4 - 8 - Enter the owner's United States mailing address. Indicate Post Office Box and Rural Route numbers where appropriate. Be sure to include ZIP Code. The address listed will be used to return the registration. Be sure to include the name of any person, office or division of the organization to whom it should be directed. In addition, please provide an Internet address in Item 5B, if one is available, where you can receive mail from the Commission regarding this form.

ITEMS 9 - 12B

N = New antenna structure. In Item 9, place an N in the brackets to indicate that this is an application to register a proposed antenna structure (structure which has not been built yet) and complete Items 13 through 32.

R = Existing Antenna Structure. In Item 9, place an R in the brackets to indicate that this is an application to register an antenna structure that already exists but has not been registered with the Commission. Enter the month, day, and year the antenna structure was completed in Item 10 and complete Items 13 through 32. If exact date of completion is unknown, month and year or year only may be provided.

D = Antenna Structure Dismantlement. In Item 9, place a D in the brackets to indicate that this is an application to notify the Commission that the antenna structure no longer exists. This could be the result of the owner dismantling the structure, natural disaster, erosion, etc. Enter the month, day and year the structure was dismantled or destroyed in Item 11, provide the seven digit registration number and issue date in Item 12A and complete Items 29 through 32.

(continued on reverse)

M = Modification of Registered Antenna Structure. In Item 9, place an M in the brackets to indicate that this is an application to change antenna structure information for a structure which has already been registered with the Commission. Enter the seven digit registration number and issue date of most current registration in Item 12A, enter the letter(s) that describes the type of change(s) desired in 12B and complete Items 13 through 32 as appropriate. For example, if you indicate:

C = Correction of coordinates, complete Items 13 through 18 and Items 23 through 32.

H = Increase/decrease overall height, complete Items 19 through 32.

L = Change existing obstruction marking and lighting, complete Items 23 through 32.

O = Change ownership information, complete Items 29 through 32.

CH = Correction of coordinates and Increase/decrease overall height, complete Items 13 through 32.

English to Metric conversions - The following English to Metric equivalents should be used to convert heights and distances, to the nearest tenth, where necessary:

1 foot = 0.3048 meters

1 mile = 1.6093 kilometers

ITEMS 13 - 15 - Enter the requested information about the antenna structure location. If the location of the structure does not have a street address, describe the location in such a way that it can be located readily. For example, if the structure is on a mountain, give the name of the mountain; for structures at rural locations, indicate the route numbers of the nearest highway/intersection and the distance and direction from the nearest town. (P. O. Boxes are not acceptable.)

Example: 1.3 km NNW of Erie, PA near Rt 66

Enter the city and state in which the antenna structure is actually located.

ITEM 16 - The latitude and longitude of antenna structure locations in the United States must be referenced to either the North American Datum of 1927 (NAD 27) or 1983 (NAD 83). Topographical maps will indicate which datum is used. GPS receivers must be referenced to use either NAD 27 or NAD 83 to determine the location.

ITEMS 17 - 18 - Enter the geographical coordinates for the antenna structure location in degrees, minutes and seconds, rounded to the appropriate significant figure for the locating method being used. These coordinates are an important part of the location description and must be identical to those shown on the structure's FAA Determination. **Do not estimate** what they might be. This information can be determined by using a Global Positioning System (GPS) receiver, a 7.5 minute topographical quadrangle map of the area, or through the services of a city or county surveyor in your area.

ITEM 19 - Enter the type of supporting structure which the antenna is or will be mounted on (i.e. building, tower, tank, silo, building/tower, etc.). Refer to letter "b" of the figures in Items 20-22.

ITEM 20 - Enter in meters, the elevation above mean sea level of the ground at the antenna structure site. This information can be determined by using a GPS receiver, a 7.5 minute topographical quadrangle map of the area or through the services of a city or county surveyor in your area. Refer to letter "a" of the figures in Items 20-22.

ITEM 21 - Enter the height above ground in meters, to the highest point of the supporting structure only. For instance, if your antenna structure consists of a building/tower combination, include any elevator shaft, flag pole, or penthouse in the overall structure height, but not the antenna, tower, pole or mast. If your antenna structure is a tower only, include the height of the tower but not the antenna. Refer to letter "b" in the figures in Items 20-22.

ITEM 22 - Enter the overall height above ground in meters, of the **entire antenna structure to the highest point**, including any appurtenances. You must include antennas, dishes, obstruction lighting. Refer to letter "c" in the figures in Items 20-22.

ITEMS 23 - 27 - Enter Y if a copy of a valid FAA Determination is being submitted and indicate the FAA Study Number in Item 24. Enter N if a copy cannot be provided and provide as much information as possible in Items 24 through 27.

NOTE: Do NOT submit this form for new proposals or alterations to existing structures until the FAA Determination is received.

ITEM 28 - This item must be answered, either Y or N. Answer Y if a Commission grant of this application may have a significant environmental impact as defined by 47 C.F.R. Section 1.1307(a). Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:

(1) A structure is to be located in sensitive areas (i.e. an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

(2) A structure whose construction will involve significant change in surface features.

(3) When antenna structure will be equipped with high intensity white lights and are to be located in residential neighborhoods.

If you answer Yes, submit the required Environmental Assessment (EA) along with this application. The EA should include:

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 lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered.

Further details may be found in Sections 1.1308 and 1.1311 of the Commission's Rules.

ITEMS 29 - 32 - To be acceptable for filing, applications must be signed in accordance with Section 1.913 of the Commissions Rules. Paper originals of applications must bear an original signature. Neither rubber-stamped nor photocopied signatures are acceptable.

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

Approved by OMB
Expires 6/30/98
3060-0139
See reverse for public burden statement

APPLICATION FOR ANTENNA STRUCTURE REGISTRATION

FCC USE ONLY

ANTENNA STRUCTURE OWNERSHIP INFORMATION

1. Legal Name of Owner		2. Telephone Number (including Area Code)
3. Assumed Name for Doing Business (if any)		4. Attention
5A. Mailing Address (Number and Street)		5B. Internet Address
6. City	7. State	8. ZIP Code

PURPOSE OF APPLICATION

9. Purpose of this filing ( )

N Registration for construction of a new antenna structure
R Registration of an existing antenna structure
D Notification of antenna structure dismantlement (structure no longer exists)
M Modification of registered antenna structure

10. If Purpose is **R**, give date constructed. If altered since constructed, give the date alteration was completed.	11. If Purpose is **D**, give date dismantled

12A. If Purpose is **M** (Modification) or **D** (Dismantlement), provide FCC Registration Number:
Issue Date (mm/dd/yy) of most current registration .

12B. If Purpose is **M** (Modification), specify nature of modification(s) ( )

C Correction of coordinates
H Increase/decrease overall height (AGL and/or AMSL)
L Change existing obstruction marking & lighting requirements
O Change ownership information (name, address, phone number)

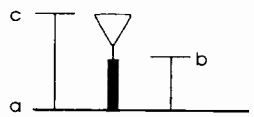
ANTENNA STRUCTURE

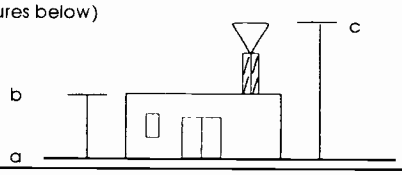
13. Address or geographic location	14. City	15. State

16. Indicate reference Datum of Coordinates ( ) NAD 27 NAD 83	17. Latitude (Degrees, minutes, seconds)	18. Longitude (Degrees, minutes, seconds)

19. Indicate type of structure on which antenna will be mounted (i.e. pole, building, water tank, silo, tower, etc.)

20. Elevation of site above mean sea level (refer to "a" in figures below) _____ meters
21. Overall height above ground of the supporting structure itself WITHOUT appurtenances (refer to "b" in figures below) _____ meters
22. Overall (highest) height above ground of antenna structure INCLUDING all appurtenances (antennas, dishes, lightning rods, obstruction lighting, etc.) (refer to "c" in figures below) _____ meters





FAA NOTIFICATION

23. ( ) YES Applicant is providing a copy of the FAA determination. Submit a clear copy and provide FAA Study Number in Item 24.
NO Applicant cannot provide a copy of the FAA determination. Provide as much information as possible in Items 24 through 27.

24. FAA Study Number	25. FAA regional office notified	26. Date notification filed	27. FCC Painting/Lighting Paragraphs (Refer to FCC Forms 715/715A)

ENVIRONMENTAL ASSESSMENT

28. ( ) YES / NO Would a Commission grant of this application be an action which may have a significant environmental effect as defined by Section 1.1307(a) of the Commission's Rules? If "Yes", submit the statement as required by Sections 1.1308 and 1.1311.

CERTIFICATION BY OWNER OF ANTENNA STRUCTURE

Neither the applicant nor any other party to the application is subject to a denial of federal benefits, that includes FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance.
I hereby certify that I have reviewed the above information, that it is complete and accurate to the best of my knowledge.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

29. Typed name of person signing	30. Title of person signing
31. Signature	32. Date

NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT OF 1995

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form, as well as the form itself, will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to Commission Rules. The foregoing notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a(e)(3).

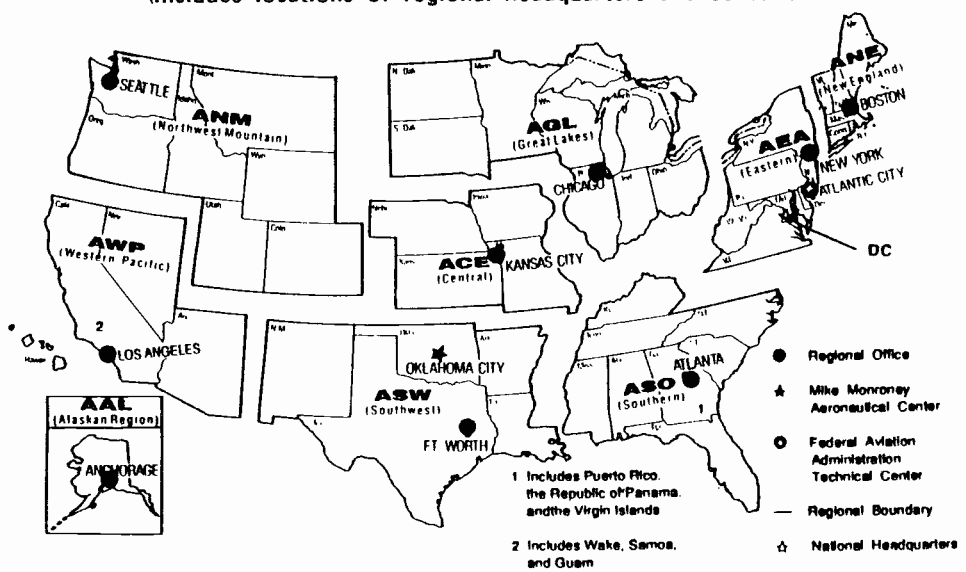
Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to Federal Communications Commission, Records Management Branch, AMD-IM, Washington, DC 20554, Paperwork Reduction Project (3060-0139) or via the Internet to dconway@fcc.gov. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Individuals are not required to respond to a collection of information unless it displays a currently valid OMB control number.

HOW AND WHERE TO NOTIFY FAA

Forward one completed set of FAA Form 7460-1 to the Chief, Air Traffic Division, Federal Aviation Adminstration, (Name of office - see below), for the office having jurisdiction over the area within which the proposed construction or alteration will be located. The geographic area of jurisdiction for each FAA office is indicated below:

FAA REGIONAL BOUNDARIES

(Includes locations of regional headquarters and centers)



ADDRESSES OF THE FAA REGIONAL AREA OFFICES

AAL - ALASKAN REGION
Alaskan Regional Office
Air Traffic Div AAL-530
222 W 7th Ave #14
Anchorage AK 99513
Phone: (907) 271-5893

ANM - NORTHWEST MOUNTAIN REGION
Northwest Mountain Regional Office
Air Traffic Div ANM-530
1601 Lind Ave SW
Renton WA 98055-4056
Phone: (206) 227-2530

AGL - GREAT LAKES REGION
Great Lakes Regional Office
Air Traffic Div AGL-530
2300 E Devon Ave
Des Plaines IL 60018
Phone: (708) 294-7459

ACE - CENTRAL REGION
Central Regional Office
Air Traffic Div ACE-530
601 E 12th St
Kansas City MO 64106
Phone: (816) 426-3408

AEA - EASTERN REGION
Eastern Regional Office
Air Traffic Div AEA-530
JFK International Airport
Fitzgerald Federal Bldg
Jamaica NY 11430
Phone: (718) 553-1228

ANE - NEW ENGLAND REGION
New England Regional Office
Air Traffic Div ANE-530
12 New England Executive Park
Burlington MA 01803
Phone: (617) 238-7530

AWP - WESTERN-PACIFIC REGION
Western-Pacific Regional Office
Air Traffic Div AWP-530
15000 Aviation Blvd
Hawthorne CA 90260
Phone: (310) 725-6530

Mailing Address:
POB 92007
World Postal Center
Los Angeles CA 90009

ASW-SOUTHWEST REGION
Southwest Regional Office
Air Traffic Div ASW-530
2601 Meacham Blvd
Fort Worth TX 76137-4298
Phone: (817) 222-5534

ASO - SOUTHERN REGION
Southern Regional Office
Air Traffic Div ASO-530
1701 Columbia Ave
College Park GA 30337
Phone: (404) 305-5570

Mailing Address:
POB 20636
Atlanta GA 30320

WIRELESS TELECOMMUNICATIONS BUREAU

FACT SHEET

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW
WASHINGTON DC 20554

PR5000

Number 15
May 1996

ANTENNA STRUCTURE REGISTRATION

This Fact Sheet contains information about registering antenna structures with the Federal Communications Commission (FCC).

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I. GENERAL INFORMATION

Who should read this guide?

This Fact Sheet is addressed primarily to owners of antenna structures and individuals who hold an FCC license. It provides insight into the FCC's procedures for registering antenna structures, as well as procedures for assigning painting and lighting requirements. This Fact Sheet may also be of interest to building and land owners that lease property to antenna structure owners or FCC licensees. Please note that this fact sheet serves as a guide to the

FCC's Rules concerning antenna structures and is not intended to revise or replace the rules contained in Part 17.

What are "antenna structures"?
The FCC Rules specifically define the term "antenna structures" as "[T]he radiating or receive system, its supporting structures and any appurtenances mounted thereon." In practical terms, an antenna structure could be a free standing structure, built specifically to support or act as an antenna, **or** it could be a structure mounted on some other man-made object (such as a building or bridge). In the latter case, note that the structure must be registered with the FCC, not the building or bridge. Objects such as buildings, observation towers, bridges, windmills, and water towers that **DO NOT** have an antenna mounted on them **ARE NOT** antenna structures and should not be registered. Keep in mind that the FCC only has jurisdiction over antenna structures, and thus, other objects that do not house antennas are not required to be registered with the FCC -- regardless of their location or height.

What is Antenna Structure Registration?
The FCC has adopted an antenna structure registration process under which each antenna structure that requires FAA notification -- including new and existing structures -- must be registered with the FCC by its owner. The owner is the single point of contact for resolving antenna-related problems and is responsible for the maintenance of those structures requiring painting and/or lighting.

II. WHICH STRUCTURES MUST BE REGISTERED WITH THE FCC?

Most antenna structures that are higher than 60.96 meters (200 feet) above ground level or that may interfere with the flight path of a nearby airport must be studied by the Federal Aviation Administration (FAA) and registered with the FCC.

Unless specifically exempted, FAA notification and FCC registration is required for:

1. Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.

2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes --

   - ★ 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each *SPECIFIED AIRPORT* with at least one runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports;

   - ★ 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each *SPECIFIED AIRPORT* with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports; and

★ 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport at a *SPECIFIED AIRPORT.*

3. Any construction or alteration that would be in an instrument approach area and available information indicates it might exceed an obstruction standard of the FAA. In this case, the FAA would specifically ask you to file a notification -- you would then be required to register the structure.

4. Any construction or alteration on a SPECIFIED AIRPORT.

☞ **NOTE:** The term *SPECIFIED AIRPORT*, in the context of this guide, refers to:

★ a public use airport listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement;

★ an airport under construction, that is the subject of a notice or proposal on file with the FAA, and except for military airports, it is clearly indicated that the airport will be available for public use; or

★ an airport that is operated by an armed force of the United States.

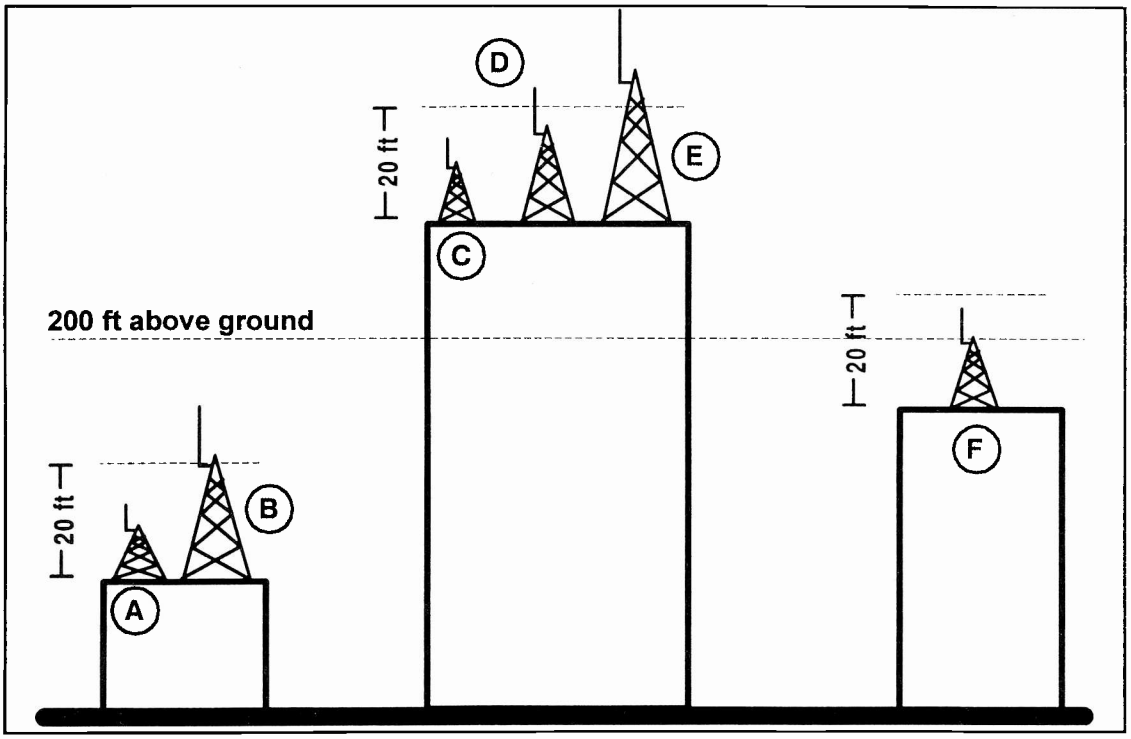
The following types of antenna structures are specifically exempted from the FAA notification requirements and FCC registration requirements.

1. Any antenna structure that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, **and** would be located in the congested area of a city, town or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure. (See the following examples)

3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the FAA, the location and height of which is fixed by its function.

Examples of antenna structures mounted on man-made structures:



NOTE: In order to simplify this example, we have assumed that the antenna structures are far from an airport. The same principles, however, hold true when substituting the "imaginary surface" for the 60.96 meter (200 foot) line shown in the example.

(A) and (B) -- Registration is not required. Neither of these antenna structures exceeds 60.96 meters (200 feet) above ground.

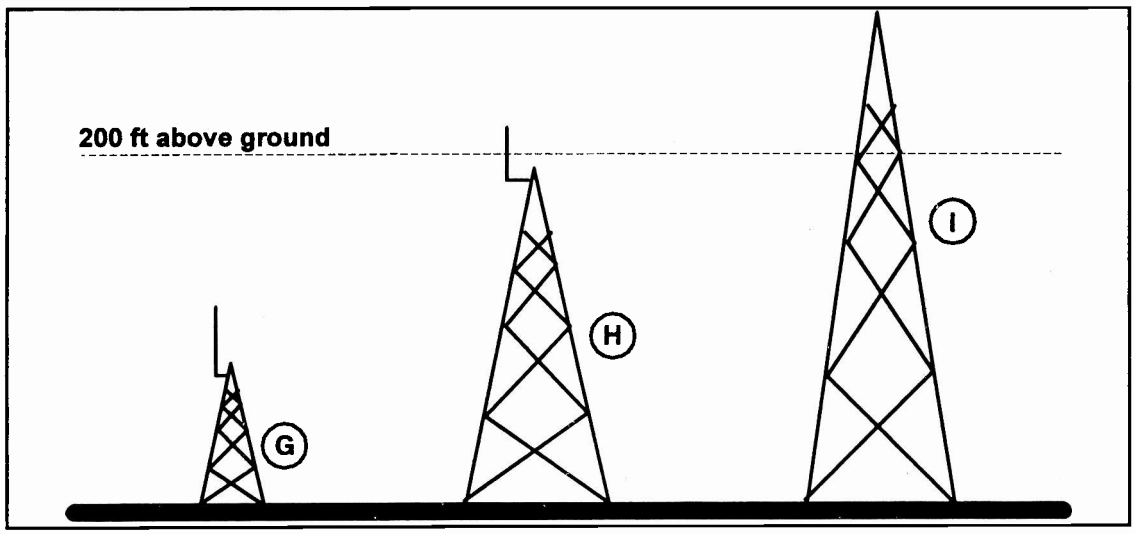
(C) -- Registration is not required. Although the tip of the structure is more than 60.96 meters (200 feet) above ground, the structure meets the 6.1 meter (20 foot) exception.

(D) -- Registration IS REQUIRED. Although the structure itself does not exceed 6.1 meters (20 feet) above the building, the tip of the antenna mounted on the structure exceeds 6.1 meters (20 feet) above the building.

(E) -- Registration IS REQUIRED. The structure clearly exceeds 6.1 meters (20 feet) above the building.

(F) -- Registration is not required. Although the antenna structure causes the overall height of the building to exceed 60.96 meters (200 feet) above ground, the antenna structure meets the 6.1 meter (20 foot exception). (Note -- the building owner would be responsible for notifying the FAA concerning the overall height of the building. This action would not affect the antenna structure.)

Examples of free-standing antenna structures:



NOTE: In order to simplify this example, we have assumed that the antenna structures are far from an airport. The same principles, however, hold true when substituting the "imaginary surface" for the 60.96 meter (200 foot) line shown in the example.

(G) -- Registration is not required. The structure does not exceed 60.96 meters (200 feet) above ground.

(H) -- Registration IS REQUIRED. Although the structure itself does not exceed 60.96 meters (200 feet) above ground, the antenna mounted on the top causes the overall height of the structure to exceed 60.96 meters (200 feet).

(I) -- Registration IS REQUIRED. The structure clearly exceeds 60.96 meters (200 feet) above ground.

III. THE REGISTRATION PROCESS

1. Who must file the registration?

Regardless of who determines the location and height of the antenna structure, the owner is responsible for ensuring that all the information being provided is correct. The owner must provide a signature on the registration form (except for electronic filing -- see Section IV).

2. When to register.

Registration begins on July 1, 1996. On or after that date, all new or altered antenna structures meeting the criteria in Section II must be registered with the Commission *prior* to construction or alteration. Existing structures (studied by the FAA and cleared by the FCC prior to July 1, 1996) must be registered during the two year period between July 1, 1996 and June 30 1998, in accordance with the following chart.

FILING WINDOW	STATES AND TERRITORIES	FILING WINDOW	STATES AND TERRITORIES
Jul 1-31, 1996	MI, MT	Jul 1-31, 1997	NE, PA
Aug 1-31, 1996	AZ, HI, NC	Aug 1 - Sep 30, 1997	FL, IN
Sept 1-30, 1996	AK, NM, NY	Oct 1-31, 1997	DE, KS, WA
Oct 1-31, 1996	MA, MO	Nov 1-30, 1997	NH, OR, WI, WV
Nov 1-30, 1996	IL, WY	Dec 1-31, 1997	AL, DC, MD
Dec 1-31, 1996	NV, OK, PR	Jan 1-31, 1998	AR, ND, UT
Jan 1 - Feb 28, 1997	CA, OH	Feb 1-28, 1998	ID, MS, SD, VT
Mar 1-31, 1997	IA, VA	Mar 1-31, 1998	KY, TN
Apr 1-30, 1997*	AS, GA, GM, GU, MP, VI	Apr 1-30, 1998	CT, NJ, SC
May 1-31, 1997	LA, ME, RI	May 1 - Jun 30, 1998	TX
Jun 1-30, 1997	CO, MN		

* American Samoa (AS), Gulf of Mexico (GM), Guam (GU), Northern Mariana Islands (MP), and U.S. Virgin Islands (VI). Structures on Midway Island and Wake Island should also be filed with this group.

3. Waiver Requests.

In cases where a single entity owns multiple antenna structures in different states, it may be beneficial to both the owner and the FCC to waive the state-by-state filing requirement. Waiver requests should be filed in accordance with 47 C.F.R. § 1.931, at least 30 days prior to the first applicable filing window, and should address the following:

(1) The reasons why a waiver of 47 C.F.R. § 17.4(a)(2) would be beneficial;
(2) The total number of structures -- listed by state;
(3) The earliest date the owner will be ready to file; and,
(4) Intended filing method -- electronic (preferred method) or paper.

Along with the information listed above, waiver applicants must file FCC Form 159, using fee type code "PDWM", and include a waiver fee of $125. A single waiver request (and fee) is appropriate in this case for considering all antenna structures to be filed by a single owner. Entities filing waiver requests for multiple owners must submit a separate request (and fee) for each group of independently owned structures. Waiver requests should be mailed to FCC, Waiver, P.O. Box 358300, Pittsburgh, PA 15251-5300.

4. How to register.

In order to register a **proposed antenna structure**, or an **altered antenna structure** whose overall height has increased, the owner must:

- Determine the location and height of the antenna structure;
- Notify the FAA using FAA Form 7460-1;
- Obtain a final determination of "no hazard" from the FAA concerning the antenna structure; and,
- File FCC Form 854 and attach a copy of the most recent FAA determination of "no hazard" for the structure (no attachment needed if filing electronically).

When registering an **existing antenna structure** that has previously been studied by the FAA, the owner must:

- Verify the location and height of the antenna structure. (The FAA considers the structure to be "altered" and require a new FAA study if the actual site data differs from that of the previously studied site by more than one second in latitude, one second in longitude, or more than one foot (increase) in height. Altered antenna structures must follow the procedure outlined above.)
- File FCC Form 854 and attach a copy of the most recent FAA determination (if available), or alternatively providing as much information as possible about the current FAA study for the antenna structure (no attachment necessary if filing electronically). Please note that the FCC does not retain copies of original FAA "determinations."

☞ **NOTE:** In cases where structures were studied by the FAA many years ago, we realize that the owner may not have retained a copy of the FAA "determination." Therefore, a copy of the most recent FAA "determination" may not be necessary to register an existing structure. However, you must provide as much information as possible on FCC Form 854 concerning the structure's FAA Study Number, the FAA office notified, the date of FAA notification, and the previously assigned FCC Painting/Lighting Paragraphs (FCC Forms 715/715A). In most cases, this information will help the FCC verify that the structure was previously cleared by the FAA. If the site data does not appear in the FCC's current database of "cleared" structures, however, the FCC may require the owner to seek a new FAA "determination" prior to registration.

5. FCC Form 854.

Use the recently revised FCC Form 854, "Application for Antenna Structure Registration" to register a structure. There is no registration fee.

- ☞ If you are required to register in July or August 1996, you may obtain FCC Form 854 *after July 1, 1996*, via the FCC's Fax-On-Demand system described below. If you **do not** have access to a fax machine, you may call the FCC's Office of Operations at 1 (800) 322-1117 prior to July 1, 1996 to be placed on a mailing list for the form.

On or after July 1, 1996, you can obtain a copy of Form 854 from the following sources:

- ☎ Forms Distribution Center at 1 (800) 418-FORM (3676)

- ☎ FCC's Office of Operations at 1 (800) 322-1117

- ☞ Via the FCC's Fax-On-Demand system by calling (202) 418-0177 from the handset of your fax machine. Request the index to find out the document number for FCC Form 854. Remember, you must be calling from your fax machine to request the form in this manner.

- ☞ Via the internet at **http://www.fcc.gov/wtb/antstruc.html**

6. AM Broadcast Arrays.

Each applicable antenna structure within an AM broadcast array must be registered individually with the FCC. In most cases, however, antenna structure arrays are studied by the FAA using a single set of coordinates representing the "center" of the array, or possibly the structure closest to a nearby airport facility. Thus, the coordinates referenced by the FAA in its "determination" for an array may differ from the site coordinates of the antenna structures within the array. Often, antenna structures within the same array are assigned different painting and/or lighting specifications.

In order to expedite processing of such registrations, please follow the procedure outlined below when registering structures that are part of an AM broadcast array.

- ★ Register each structure within an array using a separate FCC Form 854.

- ★ In response to questions 17 and 18, enter the coordinates of the structure being registered.

- ★ In response to question 19 on the form ("Indicate type of structure..."), please identify which structure within the array is being registered in the format "#TN#" -- where the first "#" is the total number of antenna structures in the array, and the second "#" is the number for the specific structure being registered. For example, you would enter "4TN3" in response to question 19 when registering the third structure in a four-structure array.

★ Also in response to question 19 on the form, enter the coordinates referenced by the FAA in its "determination" for the array. (This will be the same for each structure in the array).

7. National Environmental Protection Act of 1969 (NEPA).

If an Environmental Assessment is required under NEPA (see 47 C.F.R. § 1.1301-1319) for a *proposed* antenna structure, the FCC will not issue a Registration until the environmental concerns are analyzed and a "finding of no significant impact" is issued to the owner by the FCC.

8. The Registration (FCC Form 854R).

After ensuring that an antenna structure has been cleared by the FAA and does not involve an Environmental Assessment, the FCC will normally issue a Registration (FCC Form 854R) to the owner of the antenna structure. The Registration will set forth the location and height of the antenna structure, a unique Antenna Structure Registration Number (Registration Number), and, if required, any painting and/or lighting specifications or conditions.

9. Beginning Construction.

A proposed antenna structure must be registered with the FCC and be assigned a Registration Number prior to construction. If FCC Form 854 is filed via mail, the FCC will process the registration and issue a Registration Number via mail. To expedite the process, you may register via computer and receive a Registration Number immediately (via computer) and FCC Form 854R via mail.

Regardless of whether an antenna structure must be registered with the Commission, there may be state and/or local regulations (separate from the requirements of the FCC and FAA) which must be satisfied prior to construction.

10. Amending registration information.

The owner must modify the registration information submitted to the FCC in the following instances. Modifications can be made using FCC Form 854. Except in cases of dismantlement and changes in telephone number, a new FCC Form 854R -- reflecting the updated information -- will be issued to the owner.

- A change in painting and/or lighting specifications as recommended by the FAA.
- A change in coordinates or height for the structure. (This means that the originally submitted data was in error or that the structure has been relocated. If a structure's coordinates change by more than one second or height increases by more than one foot, a new FAA determination will be required.)
- A change in ownership information (name, mailing address, telephone number).
- Dismantlement of the antenna structure.

IV. ELECTRONIC FILING

The FCC's Wireless Telecommunications Bureau (WTB) recently developed an interactive electronic filing and remote access system for certain WTB services. The first versions of the software already allow the public to file FCC Form 175 and FCC Form 600 via computer. The interactive electronic filing system will generally be available 24 hours a day and allow owners to register electronically, as well as to review previously filed registrations.

How to get the electronic filing software

Applicants must use FCC-provided software if they wish to electronically file FCC Form 854. Beginning in June, 1996, the free software package will be available for downloading from the Internet or the FCC Bulletin Board Service. Instructions for downloading the necessary files will be made available by public notice at that time. Detailed filing instructions will be provided in the software's "Help" facility and in the "Readme.txt" file associated with the electronic filing software.

Hardware Requirements

- o CPU: Intel 80486 or above (Pentium recommended)
- o RAM: 16MB RAM (more recommended if you intend to open multiple applications)
- o Hard Disk: 18MB available disk space*
- o 1.44MB 3.5" Floppy Drive (to install the remote system)
- o Several blank MS-DOS® formatted 3.5" 1.44MB floppy disks
- o Modem: v.32bis 14.4kbps Hayes compatible modem
- o Monitor: VGA or above
- o Mouse or other pointing device

*Additional disk space may be required if a large number of registrations are stored in your local database.

Software Requirements

- o FCC Electronic Filing/Application Review Software (will be available through the Internet and the FCC Bulletin Board System)
- o Microsoft Windows 3.1 or Microsoft Windows for WorkGroups v3.11 in an enhanced mode

☞ **Note:** The FCC Electronic Filing/Application Review Software has not been completely tested on a Macintosh, OS/2, or Windows95 environment. Therefore, the FCC will not support operating systems other than Microsoft Windows 3.1 or Microsoft Windows for Workgroups v3.11 in an enhanced mode. This includes any other emulated Windows environment. If your Windows is in a networked environment, you should check with your local network administrator for any potential conflicts with the PPP (Point-to-Point Protocol) Dialer that is incorporated into the Electronic Filing/Application Review Software. This usually includes any TCP/IP installed network protocol. The PPP Dialer that is incorporated into the FCC Electronic Filing/Application Review Software will establish a point-to-point connection from your PC to the FCC Network. This point-to-point connection is not routed through the internet.

Filing Form 854
After downloading the FCC-provided software (available in June 1996), applicants will file FCC Form 854 by accessing the FCC's wide area network via a standard telephone line (not the Internet), which may result in a long distance telephone charge if the call is made from outside the Washington DC Metropolitan calling area. In other words -- there is **no charge** for registration, but you may be charged for the long distance phone call.

☞ You **do not** need an Internet connection to file FCC Form 854 electronically.

Signature Requirement
Normally, the registration form must be signed by the owner. In the case of electronic filing, however, it would be unreasonable to require the owner to personally type in his/or her name during each electronic submission. Therefore, either the owner, or the owner's designee, may type the owner's name in the signature block when filing electronically. (The owner must provide the designee with written authorization to file the registration, and must retain a copy of such authorization.)

Reviewing registrations
The FCC issued a *Report and Order*, FCC Docket No. 95-308, 60 FR 38,276 (July 26, 1995) that, among other things, established fair and reasonable fees for on-line access to the Commission's wide area network for the purposes of reviewing previously filed applications (both electronic and hard copy submissions). The on-line review of previously submitted registrations will access a "900" toll number at a cost of **$2.30 per minute** and applicable charges will appear on the customer's long distance phone bill.

Technical Assistance
If you need help downloading or installing the FCC Electronic Filing/Application Review Software (release June 1996), contact the FCC Technical Support Line at (202) 414-1250.

V. THE ROLE OF SERVICE COMPANIES

Surveying/Filing FCC Form 854.
The owner may designate a separate entity to survey the location of an antenna structure, complete FCC Form 854, or undertake any other administrative duty involved with registration. However, the owner -- not the service company -- must sign the registration form (except for electronic filing -- see Section IV) and is ultimately responsible for ensuring that all information provided to the FCC concerning the antenna structure is complete and accurate.

Site Management.
The owner may designate a separate entity to maintain and monitor the painting or lighting mandated for an antenna structure. However, the owner -- not the site management company -- is ultimately responsible for ensuring that the antenna structure is maintained in accordance with the requirements issued on the Registration (FCC Form 854R).

VI. PAINTING AND LIGHTING SPECIFICATIONS

★ The owner must maintain the painting and/or lighting required for an antenna structure in accordance with the specifications assigned to the structure **at registration.**

★ These specifications **will not change** unless the FAA recommends new specifications for the structure due to an increase in overall height, a change in site coordinates, or an error in the originally submitted site coordinates.

★ This applies regardless of the information contained in past, present, or future versions of the FAA Advisory Circulars.

Advisory Circulars.
The FCC generally assigns painting and lighting requirements, at registration, according to the FAA's "determination" for a structure. The "determination" references FAA Advisory Circular AC 70/7460-1, "Obstruction Marking and Lighting." This Advisory Circular and AC 150/53-5345-43, "Specification for Obstruction Lighting Equipment," are presently referenced in the FCC Rules. In the coming months, the FCC will be considering whether to update the rules to reference the recently released versions of these two Advisory Circulars. Regardless of the general specifications listed in the FCC Rules, however, the owner must maintain painting and lighting in accordance with the specifications assigned to the structure at registration.

NOTE: Before you attempt to obtain a copy of AC 70/7460-1, "Obstruction Marking and Lighting," check your Registration (Form 854-R) for the *specific version* that is required for your antenna structure. In turn, AC 70/7460-1 references a *specific version* of AC 150/53-5345-43, "Specification for Obstruction Lighting Equipment."

Existing Structures.
The FCC **will not change** the required painting and/or lighting specifications for existing structures upon registration unless a new FAA study is required. Prior to registration, existing structures must be maintained in accordance with any painting and/or lighting specifications originally assigned to the structure by the FCC. This applies regardless of the general specifications listed in the FCC Rules.

VII. OWNER AND LICENSEE RESPONSIBILITIES

The Owner. The owner of each antenna structure meeting the criteria in Section II must:

- Register each *proposed* antenna structure with the FCC and obtain a Registration Number prior to construction.

- Register each *existing* antenna structure with the FCC and obtain a Registration Number based on the filing windows set forth in Section III.

- Amend the registration information as necessary (see Section III, 10).

- Maintain the antenna structure in accordance with the specifications and conditions found on the structure's Registration (FCC Form 854R).

- Immediately upon receipt of FCC Form 854R, provide a copy to each FCC licensee using the antenna structure. Also, provide a copy to any additional licensee that uses the structure.

- Display the Registration Number in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure. (The owner is not required to display the Registration Number in cases where a federal, state, or local government entity provides written notice to the owner that such a posting would detract from the appearance of a historic landmark). The Registration Number, however, must be made available to representatives of the FCC, the FAA, and the general public upon reasonable demand.

FCC Licensees. Each FCC licensee using a registered antenna structure should be familiar with the requirements set forth on FCC Form 854R. In the event that the structure owner is unable to maintain the prescribed painting or lighting, e.g., in cases including but not limited to abandonment, negligence, or bankruptcy, the FCC would require that each tenant licensee on the structure undertake efforts to maintain painting and/or lighting upon request by the FCC. Additionally, if a licensee has reason to believe that the structure is not in compliance or that the owner is not carrying out its responsibility to maintain the structure, the licensee must immediately notify the owner, notify the site management company (if applicable), notify the FCC, and make a diligent effort to ensure that the antenna structure is brought into compliance. Licensees can notify the FCC by calling the Consumer Assistance Branch at 1-800-322-1117 during business hours (8:00a.m. to 5:30p.m.) Eastern Standard Time or the FCC Watch Officer at (202) 632-6975 after business hours.

In the case where the location or height shown on the Registration (FCC Form 854R) differs from that shown on a licensee's station authorization, the licensee must notify the appropriate FCC licensing bureau. Licensees are not required to submit a fee when correcting site data. However, if the correction in site data causes the licensee's station to violate FCC Rules for a particular radio service, the FCC may require the licensee to employ measures to avoid harmful interference such as decreasing antenna height, reducing power, or employing a directional antenna. In general, the FCC will not require a licensee to cease operations as a result of correcting errant site data.

☞ Note: There **IS NO** requirement for an FCC licensee who does not own the structure to independently monitor antenna structure lighting.

VIII. HOW TO GET FCC AND FAA INFORMATION

The FAA Advisory Circulars are available as follows:

✓ *From the FAA* **(Be sure to specify version as shown on 854R)**
Department of Transportation
Property Use and Storage Section
Subsequent Distribution Office, M483.6
Ardmore East Business Center
3341 Q 75th Avenue
Landover, MD 20785
Telephone: (301) 322-4961

✓ *From the FCC's copy contractor*
ITS, Inc.
(202) 857-3800

✓ *At the FCC (for inspection only)*
Wireless Telecommunications Bureau
Private Wireless Division
2025 M Street, NW Room 8112
Washington, DC 20554

Federal Regulations for Antenna Structures.
FCC and FAA Rules concerning antenna structures are contained in the Code of Federal Regulations (C.F.R.). Although owners and licensees are not required to have a copy of the rules, copies of the C.F.R. may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402 (telephone (202) 512-1800).

- FCC Rules -- 47 C.F.R. Part 17
- FAA Rules -- 14 C.F.R. Part 77

IX. CONTACTING THE FCC

☎ Contact the FCC's Forms Distribution Center at 1-800-418-FORM (3676) to obtain a registration form (FCC Form 854).

☎ Contact the FCC's Fax-On-Demand system to obtain a copy of the form by calling (202) 418-0177 from the handset of your fax machine. Request the index to find out the document number for FCC Form 854. Remember, you must be calling from your fax machine to request the form in this manner.

☎ Contact the FCC's Consumer Assistance Branch in Gettysburg, PA by phone at (800) 322-1117 or by FAX at (717) 337-0714 for assistance concerning:

- ★ Obtaining a registration form (FCC Form 854);
- ★ Filling out a registration form;
- ★ Status of a registration;
- ★ General questions concerning FCC registration policies.

☎ Contact the FCC Technical Support Line at (202) 414-1250 for assistance in downloading or installing the FCC Form 854 electronic filing software.

☎ You may also email registration questions to mayday@fcc.gov.

☞ Browse the FCC's internet homepage on the World Wide Web for up to date information on filing procedures, electronic filing, and database access at **http://www.fcc.gov/wtb/antstruc.html**.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

CHANGE IN OFFICIAL MAILING ADDRESS FOR BROADCAST STATION

Mail to: Federal Communications Commission
Mass Media Bureau
Audio Services Division
Washington, D. C. 20554

1. Licensee's Name:
2. Street Address of Post Office Box:
3. City, State, and ZIP Code:
4. Call Sign and Type of Service:

47 C.F.R. Section 1.5 requires a permittee/licensee to keep the Commission informed of any change in mailing address in order that the station may be served documents or other official papers without delay.

Only **one** mailing address can be maintained for each broadcast station.

Due to lack of space the mailing address cannot contain an individual name (unless the licensee is an individual).

FCC 5072
February 1995

APPENDIX B

FILING FEE SCHEDULE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 96-332

In the Matter of	)	
Amendment of the Schedule	)	
of Application Fees Set	)	GEN Docket No. 86-285
Forth in Sections 1.1102	)	
through 1.1107 of the	)	
Commission's Rules	)	

ORDER

Adopted: August 7, 1996 Released: August 7, 1996

By the Commission:

1. By this action, the Commission amends its Schedule of Application Fees, 47 C.F.R. Section 1.1102 et seq., to adjust the fees for processing applications and other filings. Section 8(b) of the Communications Act, as amended, requires that the Commission review and adjust its application fees every two years after October 1, 1991 (47 U.S.C. Section 158(b)). The adjusted or increased fees reflect the net change in the Consumer Price Index for all Urban Consumers (CPI-U) of 21.5 percent, calculated from December 1989 to September 1995. The adjustments made to the fee schedule comport with the statutory formula set forth in Section 8(b). Consistent with Section 8(b), the Commission transmitted to Congress a 90-day advance notification of the fee adjustments on June 11, 1996. If Congress interposes no objection to the proposed increases within the 90-day period, the new fees will become effective as set forth in paragraph 2 below.[1]

2. Accordingly, IT IS ORDERED, that the Schedule of Application Fees, 47 C.F.R. Section 1.1102 et seq., IS AMENDED as set forth in the attached amendment, and will be published in the Federal Register to become effective on September 12, 1996.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

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[1] In accordance with Section 9(b) of the Act, the Commission transmitted to Congress notification of fee adjustments to its Schedule of Regulatory Fees on July 1, 1996. See 47 U.S.C. Section 159(b)(4).

2. Section 1.1104 is revised to read as follows:

§1.1104 Schedule of charges for applications and other filings in the mass media services.

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
1. Commercial Television Stations a. New or Major Change Construction Permit	301	3,080	MVT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
b. Minor Change	301	690	MPT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
c. New License	302/ 302-TV	210	MJT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
d. License Renewal	303-S	125	MGT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
e. License Assignment 1) Long Form	314	690	MPT	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
2) Short Form	316	100	MDT	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
f. Transfer of Control 1) Long Form	315	690	MPT	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
2) Short Form	316	100	MDT	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
g. Hearing (New and Major or minor change comparative construction permit hearings; comparative license renewal hearings)	159 & Corres.	8,215	MWT	Federal Communications Commission, Mass Media Services P. O. Box 358170 Pittsburgh, PA 15251-5170
h. Call Sign	159 & Corres.	70	MBT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
i. Extension of Time to Construct or Replacement of Construction Permit	307	245	MKT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
j. Special Temporary Authority	159 & Corres.	125	MGT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
k. Petition for Rulemaking for New Community of License	301/302/ 302-TV	1,905	MRT	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
l. Ownership Report	323	45	MAT	Federal Communications Commission, Mass Media Services P. O. Box 358180 Pittsburgh, PA 15251-5180
2. Commercial AM Radio Stations a. New or Major Change Construction Permit	301	2,740	MUR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
b. Minor Change	301	690	MPR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
c. New License	302-AM	450	MMR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
d. AM Directional Antenna	302-AM	520	MOR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
e. AM Remote Control	301-A/ 301	45	MAR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
f. License Renewal	303-S	125	MGR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
g. License Assignment 1) Long Form	314	690	MPR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
h. Transfer of Control 1) Long Form	315	690	MPR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
i. Hearing (New and major\ minor change comparative construction permit hearings; comparative license renewal hearings)	159 & Corres.	8,215	MWR	Federal Communications Commission, Mass Media Services P. O. Box 358170 Pittsburgh, PA 15251-5170
j. Call Sign	159 & Corres.	70	MBR	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
k. Extension of Time to Construct or Replacement of Construction Permit	307	245	MKR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
l. Special Temporary Authority	159 & Corres.	125	MGR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
m. Ownership Report	323	45	MAR	Federal Communications Commission, Mass Media Services P. O. Box 358180 Pittsburgh, PA 15251-5180
3. Commercial FM Radio Stations a. New or Major Change Construction Permit	301	2,470	MTR	Federal Communications Commission, Mass Media Services P. O. Box 358195 Pittsburgh, PA 15251-5195
b. Minor Change	301	690	MPR	Federal Communications Commission, Mass Media Services P. O. Box 358195 Pittsburgh, PA 15251-5195
c. New License	302-FM	140	MHR	Federal Communications Commission, Mass Media Services P. O. Box 358195 Pittsburgh, PA 15251-5195
d. FM Directional Antenna	302-FM	435	MLR	Federal Communications Commission, Mass Media Services P. O. Box 358195 Pittsburgh, PA 15251-5195
e. License Renewal	303-S	125	MGR	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
f. License Assignment 1) Long Form	314	690	MPR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
g. Transfer of Control 1) Long Form	315	690	MPR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
2) Short Form	316	100	MDR	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
h. Hearing (New and major\ minor change comparative construction permit hearings; comparative license renewal hearings)	159 & Corres.	8,215	MWR	Federal Communications Commission, Mass Media Services P. O. Box 358170 Pittsburgh, PA 15251-5170
i. Call Sign	159 & Corres.	70	MBR	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165
j. Extension of Time to Construct or Replacement of Construction Permit	307	245	MKR	Federal Communications Commission, Mass Media Services P. O. Box 358195 Pittsburgh, PA 15251-5195
k. Special Temporary Authority	159 & Corres.	125	MGR	Federal Communications Commission, Mass Media Services P. O. Box 358195 Pittsburgh, PA 15251-5195
l. Petition for Rulemaking for New Community of License or Higher Class Channel	301/ 302-FM	1,905	MRR	Federal Communications Commission, Mass Media Services P. O. Box 358195 Pittsburgh, PA 15251-5195
m. Ownership Report	323	45	MAR	Federal Communications Commission, Mass Media Services P. O. Box 358180 Pittsburgh, PA 15251-5180

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
4. FM Translators a. New or Major Change Construction Permit	349	520	MOF	Federal Communications Commission, Mass Media Services P. O. Box 358200 Pittsburgh, PA 15251-5200
b. New License	350	105	MEF	Federal Communications Commission, Mass Media Services P. O. Box 358200 Pittsburgh, PA 15251-5200
c. License Renewal	303-S	45	MAF	Federal Communications Commission, Mass Media Services P. O. Box 358190 Pittsburgh, PA 15251-5190
d. Special Temporary Authority	159 & Corres.	125	MGF	Federal Communications Commission, Mass Media Services P. O. Box 358200 Pittsburgh, PA 15251-5200
e. License Assignment	345/ 316, 315/314	100	MDF	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
f. Transfer of Control	345/ 316 315/314	100	MDF	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
5. TV Translators and LPTV Stations a. New or Major Change Construction Permit	346	520	MOL	Federal Communications Commission, Mass Media Services P. O. Box 358185 Pittsburgh, PA 15251-5185
b. New License	347	105	MEL	Federal Communications Commission, Mass Media Services P. O. Box 358185 Pittsburgh, PA 15251-5185
c. License Renewal	303-S	45	MAL	Federal Communications Commission, Mass Media Services P. O. Box 358165 Pittsburgh, PA 15251-5165

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
d. Special Temporary Authority	159 & Corres.	125	MGL	Federal Communications Commission, Mass Media Services P. O. Box 358185 Pittsburgh, PA 15251-5185
e. License Assignment	345/ 316 315/314	100	MDL	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
f. Transfer of Control	345/ 316 315/314	100	MDL	Federal Communications Commission, Mass Media Services P. O. Box 358350 Pittsburgh, PA 15251-5350
6. FM Booster Stations a. New or Major Change Construction Permit	349	520	MOF	Federal Communications Commission, Mass Media Services P. O. Box 358200 Pittsburgh, PA 15251-5200
b. New License	350	105	MEF	Federal Communications Commission, Mass Media Services P. O. Box 358200 Pittsburgh, PA 15251-5200
c. Special Temporary Authority	159 & Corres.	125	MGF	Federal Communications Commission, Mass Media Services P. O. Box 358200 Pittsburgh, PA 15251-5200
7. TV Booster Stations a. New or Major Change Construction Permit	346	520	MOF	Federal Communications Commission, Mass Media Services P. O. Box 358185 Pittsburgh, PA 15251-5185
b. New License	347	105	MEF	Federal Communications Commission, Mass Media Services P. O. Box 358185 Pittsburgh, PA 15251-5185
c. Special Temporary Authority	159 & Corres.	125	MGF	Federal Communications Commission, Mass Media Services P. O. Box 358185 Pittsburgh, PA 15251-5185

Action	FCC Form No.	Fee Amount	Payment Type Code	Address
8. Multipoint Distribution Service (including multichannel MDS) a. Conditional License	304	190	CJM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155
b. Major Modification of Conditional Licenses or License Authorization	304	190	CJM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155
c. Certificate of Completion of Construction	494-A/ 304-A	555	CPM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155
d. License Renewal	405	190	CJM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155
e. Assignment or Transfer 1) First Station Application	702/ 704	70	CCM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155
2) Each Additional Station	702/ 704	45	CAM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155
f. Extension of Construction Authorization	701	140	CHM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155
g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization	159 & Corres.	90	CEM	Federal Communications Commission, Mass Media Services P. O. Box 358155 Pittsburgh, PA 15251-5155

APPENDIX C

PUBLIC INSPECTION FILE GUIDE

and

FCC ENFORCEMENT CHECKLISTS

National Association of NAB BROADCASTERS

HelpFax

Your Public File -- What to Keep, What to Toss
L-9308

Because FCC enforcement has increased substantially in recent months, with the issuance of significant fines for poorly kept public files, it has become even more important that stations' public and political files adequately reflect their programming and licensee responsibilities.

The following must be kept in a station's public file for eight years or until grant of the next renewal application, whichever is later:

1. Materials Pertaining to Applications Filed with the FCC:

- Construction permit applications for new stations (FCC Form 301)
- Applications for renewal of license (FCC Form 303-S)
- Applications for assignment or transfer of control of license (Forms 314, 315, 316)
- Construction permit applications for major facility changes (FCC Form 301)
- Requests for additional time to finish construction of a new station (FCC Form 701)
- Applications pertaining to changes in program service
- A statement listing all petitions to deny against any of the above applications and the name and address of any person or group having filed a petition to deny
- All supporting documents to the above applications, including (a) letters and exhibits; (b) amendments to the application; (c) correspondence between the FCC and the applicant concerning the application; (d) documents mentioned in the application; and (e) service contour maps and data showing the main studio and transmitter sites

2. Ownership Materials:

- Ownership reports (FCC Form 323)
- Letters and ownership information filed with the FCC
- Supporting materials pertaining to ownership control of the licensee
- Management agreements with independent contractors or with employees, if the employee agreement involves revenue sharing
- Contracts or other documents relating to ownership or control of the licensee

3. National Television Network Affiliation Agreement (TV only).

4. Citizens Agreements. These are agreements whereby the station promises performance in some non-commercial aspect of the station's operation, such as types of programming or hiring.

5. Annual Employment Reports (FCC Form 395 or Form 395-B), including correspondence or exhibits relating to these reports.

6. Issues/Program Lists. These lists are compromised of programs in which the station has given significant treatment to specific community issues during the preceding 3-month period and should be placed in the file by the tenth day following the appropriate calendar quarter, i.e., January 10, April 10, July 10, and October 10. They should consist of:

- the issues examined and a discussion of how each matter was addressed;
- time, date, and length of each program;
- program title;
- whether the program was news interview, call-in, documentary, etc.;
- guests on the program.

7. Children's TV Programming Records (TV only). After January 2, 1997, commercial TV stations will be required to place, on a quarterly basis, a completed Children's Television Programming Report ("Report"), on FCC From 398, reflecting efforts made by the licensee during the preceding quarter, and efforts planned for the next quarter, to serve the educational and informational needs of children. The Report for each quarter is to be filed by the tenth day of the succeeding calendar quarter. The Report shall identify the licensee's educational and informational programming efforts, including programs aired by the station that are specifically designed to serve the educational and informational needs of children, and it shall explain how programs identified as Core Programming meet the FCC's definition. The Report shall include the name of the individual at the station responsible for collecting comments on the station's compliance with the Children's Television Act, and it shall be separated from other materials in the public inspection file.

8. Commercial Limits Records for Children's TV Programming (TV only). These should include records "sufficient to verify compliance with the commercial limits" and to "substantiate the broadcaster's certification of compliance at renewal time."

Other items which must be kept in the public file, are to be held for different periods of time than those mentioned above. These include:

1. Political and "Controversial Programming" Information, which must be kept on file for two years and includes:

- A complete record of all requests for air time by or on behalf of candidates, with a notation showing how each request was handled (including charges). This file should be updated daily.

- Any free political time given legally qualified candidates for public office.
- A list of chief executive officers of any organization which sponsors or supplies information for political programs or for programs containing controversial issues of public significance.

2. Letters from the Public. These are to be kept in the file three years from the date they are received and should include letters and written comments from the public concerning station programming or operations. TV stations must separate letters into programming and non-programming categories. Licensees need not retain a letter if the author has requested that the information not be made public or if the letter is obscene or defamatory.

3. FCC's Procedural Manual. Until recently, the FCC had required all broadcasters to place in their public file a copy of the 1974 FCC Public Notice, "The Public and Broadcasting -- A Procedure Manual." However, after NAB pointed out that the manual did not reflect current FCC rules or procedure, the FCC suspended the requirement that a copy of the manual be kept in the public file.

During the interim while the manual is being prepared, no fines will be assessed against stations for failure to have a copy of the 1974 manual in the public file. NAB will inform its members, through updates to this HelpFax memo and by other means, when the Commission publishes a revised manual.

4. Time Brokerage Agreements. These must be kept by both stations for the term of the time brokerage contract. "Confidential proprietary" information may be edited out before placing the agreement in the public file; however, the entire document must be made available to the FCC upon request. Time brokerage agreements must include:

- Certification by the licensee or permittee of the brokered station that it retains control over station facilities, including finances, personnel, and programming;
- Certification by the licensee or permittee brokering time on another station that the arrangement is in compliance with the local and national ownership limits.

(For further FCC filing requirements pertaining to the time brokerage agreements, see HelpFax #2001, pp. 4-5.)

5. Retransmission Consent/Must Carry Election Statement (commercial TV stations only.) This must be kept for three years the election statement is in effect.

There is one exception to the retention periods mentioned above. Any materials relating to an FCC investigation or complaint must be retained until the licensee is notified by the Commission in writing that the material may be discarded.

A station's public file must be made available for inspection during regular business hours at either the main studio of the station, if the station is located in the community of license, or at some other easily accessible site within the community's political boundaries. For example, if a station's business office is open from 9:00 a.m. to 5:00 p.m., the public file must be available for inspection during these hours.

Station personnel may request personal identification (names and addresses) of any person asking to see the public file bus must not require that person to tell if he/she is affiliated with any organization. Nor is a station permitted to require members of the public to stipulate which documents they wish to examine.

A station must make copies of documents in the public file for anyone willing to pay "reasonable costs" for reproduction. The copies must be made available within seven days of the request, unless reproduction facilities are unavailable in the city of license.

A station must honor any requests for inspection of the public file made in person. However, if the request is made by mail or by phone, the station is free to determine whether it wishes to comply with the request.

The public file must be located in a place which is easily accessible to persons with disabilities.

NAB's Counsel Memos are intended to serve as a source of general information on legal issues of interest to the broadcasting industry. Broadcasters seeking information on how principles discussed in a Counsel Memo apply to their specific circumstances should seek the advice of their own attorneys.

INFORMATION BULLETIN

FEDERAL COMMUNICATIONS COMMISSION

AM BROADCAST STATION SELF – INSPECTION CHECKLIST

Bulletin CIB-18AM
June 1995

This Document was Compiled and Developed by:

Kansas City Office

Compliance and Information Bureau

AM SELF-INSPECTION CHECKLIST

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INTRODUCTION

Welcome to the AM Broadcast Station Self-Inspection Checklist.

The Compliance and Information Bureau (CIB) of the FCC is committed to improving licensee compliance with the broadcast regulations. We do this through a combination of educational and enforcement efforts. The enforcement effort usually involves an on-scene station inspection conducted by FCC Personnel. Most on-scene inspections are conducted without prior notification to the station licensee.

This checklist has been developed to assist broadcast station management in conducting a self-inspection of their station. It provides an opportunity for the broadcaster to review and correct any deficiencies associated with the operation of a station without an actual on-scene visit by the Commission.

While not all broadcast regulations are covered by this checklist, you will be able to assess your compliance with the most frequently violated broadcast regulations. Each question contains a reference to the relevant rule section(s) to facilitate your review. These references pertain to Title 47 Code of Federal Regulations (C.F.R.) Parts 17 and 73.

The following boxes are provided throughout the checklist to aide the broadcaster in determining the stations compliance:

[Y] = **YES**. The station is in compliance with this item.

[P] = The station is not in compliance with this item. Corrective action is **PENDING**.

[N/A] = **NOT APPLICABLE** to this station. If this response is not provided then this question is applicable to all FM stations.

Please note that all of the above responses are not applicable to every question. Only appropriate responses will be provided for each question.

You will note that the above responses do not include a "NO" answer. Any question in which a "NO" answer is applicable would be a violative condition requiring corrective action. Stations encountering such situations should take immediate steps to correct the problem.

NEED ASSISTANCE or FORMS?

If you have any questions about this self inspection checklist or the applicability of any regulation to your operation, you may contact any FCC Field Office. **DO NOT MAIL THIS CHECKLIST TO THE FCC FOR OUR REVIEW!**

Requests for Emergency Alert System (EAS) related documents should be directed to the Commission's EAS Office at (202) 418-1220. Requests for any FCC form or bulletin should be directed to the Commission's forms distribution contractor at (800) 418-3676.

SECTION I: ADMINISTRATIVE AND NON-TECHNICAL

A. AUTHORIZATIONS: The station license, construction permit, renewal certificate, auxiliary transmitter authorization, special temporary authorization (STA), and/or any other instrument of authorization shall be readily available and easily accessible. If more than one control point is used, then copies of the appropriate authorization(s) shall be posted at each control point or automatic transmission system (ATS) monitoring and alarm point used. Renewal certificates should be associated with the corresponding station authorization. [See 73.1230(a), 73.1635, 73.1670, 73.3533, 73.3536, 73.3537 and 73.3539]

1. [Y] [P] AUTHORIZATIONS: Are current station authorizations posted or readily available at all control or automatic transmission system (ATS) monitoring and alarm points?

B. STATION LOGS/RECORDS:

STATION LOGS: These include entries pertaining to equipment status, the Emergency Broadcast System (EBS) and to the recording of tower light outages.

STATION RECORDS: These include, but are not limited to chief operator designations and equipment performance measurements.

AVAILABILITY: Station logs and records are to be retained for a period of two years, unless specified otherwise, and they shall be made available for inspection or duplication at the request of the FCC or its representatives. Required logs and records are to be readily available for inspection. [See 73.1225, 73.1226, 73.1590, 73.1820 and 73.1840]

2. [Y] [P] LOGS/RECORDS: Are required station logs retained for a period of 2 years? [See 73.1840(a)]

3. [Y] [P] AVAILABILITY: Are station logs/records readily available for inspection and/or duplication at the request of the FCC or its representatives? [See 73.1225 and 73.1226]

4. [Y] [P] [NA] EQUIPMENT PERFORMANCE MEASUREMENTS: Are the latest Equipment Performance Measurements maintained and readily available? [See 73.1590(a)]

SECTION I: Continued

C. **TRANSMITTER DUTY OPERATOR:** Each station shall have at least one person holding a commercial radio operator license or permit on duty and in charge of the transmitter during ALL periods of broadcast operation. The operator is to be on duty at the transmitter, a remote control point, an automatic transmission system (ATS) monitor and alarm point, or a position where extension meters are installed. The operator may be employed for other duties or operation of other transmitting stations if such other duties will not interfere with the proper operation of the transmission system. [See 73.1860]

5. ☐ ☐ LICENSED OPERATOR: Does the licensee maintain at least one person holding a commercial radio operator license or permit on duty and in charge of the transmitter during ALL PERIODS of broadcast operation? [See 73.1860(a)]

6. ☐ ☐ POSTING OF LICENSE: Are the operator licenses or permits, including temporary permits, posted or readily available at all control points where the transmitter operator is normally on duty? [See 73.1230(b)]

7. ☐ ☐ ☐ TEMPORARY LICENSING: Are temporary radio operator permits dated within the last 60 days? [See FCC Form 753, Part 3, Temporary Restricted Radiotelephone Operator Permit]

D. **OPERATOR INSTRUCTION:** The licensee is responsible for ensuring that each transmitter operator is fully instructed and able to perform all required observations and adjustments of the transmitting system. As a minimum each operator must be able to turn off the transmitter and to make the necessary observations and calculations for determining compliance with the station's operating parameters. The operator must also be capable of conducting authentications of EBS activations and associated programming in addition to having the ability to initiate EBS activations. [See 73.1860(c)]

8. ☐ ☐ INSTRUCTED OPERATORS: Are all transmitter duty operators fully instructed and able to perform all required observations and adjustments of the transmitting system? [See 73.1860]

SECTION I: Continued

E. **CHIEF OPERATORS:** Each station must designate a chief operator. The designation is to be in writing with a copy posted with the operator's license. Agreement's with chief operators serving on a contract basis must be in writing with a copy kept in the station files. The chief operator is to review the station logs at least once each week to determine if required entries are being made correctly and to SIGN AND DATE the log upon completion of the review. The chief operator is also responsible for inspection and calibration of the transmission system, monitors, metering and control systems in addition to any equipment performance measurements or other tests as specified in the rules or terms of station authorization. [See 73.1870]

9. [ ] [ ] CHIEF OPERATOR DESIGNATION: Has the licensee designated a person holding a commercial radio operator license or permit to serve as the station chief operator? [See 73.1870(a & b)]

10. [ ] [ ] DESIGNATION POSTING: Is the designation in writing with a copy of the document posted or readily available? [See 73.1870(b)]

11. [ ] [ ] STATION LOG REVIEW: Does the station's chief operator review the station logs at least once each week to determine if required entries are being made? [See 73.1870(c)]

12. [ ] [ ] SIGNING STATION LOGS: Does the chief operator or a designee date and sign the logs upon completion of the weekly review of these documents? [See 73.1870(c)]

F. **STATION IDENTIFICATION:** Station identification shall be made at the beginning and ending of each period of operation, and hourly, as close to the hour as feasible, at a natural break in program offerings. The identification shall consist of the station's call letters immediately followed by the community of license. Any reference to additional communities must be made after the community of license. The name of the licensee, or the station frequency, channel number, or both, may be inserted between the call letters and community of license. No other insertion is permissible. Simulcasted AM and FM stations may identify jointly if owned by the same licensee. [See 73.1201]

13. [ ] [ ] IDENTIFICATION: Is the station identification made in accordance with 73.1201?

SECTION I: Continued

G. **TOLL FREE TELEPHONE:** Each station must maintain a local or toll free telephone number within its community of license. Stations operating from studio locations outside of the community of license must make sure residents in the community have access to this number. [See 73.1125]

14. ☐ Y ☐ P — TOLL FREE NUMBER: Does the station maintain a local or toll-free telephone number in its community of license? [See 73.1125(c)]

H. **PUBLIC INSPECTION FILE:** All stations are to maintain a public inspection file. If the main studio of the station is located within the community of license, then the public file shall be located at the studio. If the station obtained a written authorization to maintain the studio outside the community of license prior to July 16, 1987, then the file may be maintained at the main studio or within the community of license (at licensees discretion). For all other stations, including combined facilities licensed to more than one community, the public file is to be maintained at any publicly accessible place within the community of license. The file shall be available for public inspection at any time during regular business hours.

Licensees must make certain that the location of the file is disclosed upon request, including telephone inquiries, and that the entire contents of the file are made available without asking the requesting party for any information or reasons pertaining to such request. If a station is concerned about documents being stolen or destroyed, then copies of required documents may be placed into the file in lieu of the originals. The contents of the file are to be made available within a reasonable time for machine reproduction upon request made in person, provided the requesting party pays the reasonable cost of reproduction. [See 73.3526 for commercial station public file rules and 73.3527 for non-commercial station public file rules]

15. ☐ Y ☐ P — FILE MAINTAINED: Does the station maintain a public inspection file in accordance with 73.3526(d) or 73.3527(d)?

16. ☐ Y ☐ P — AVAILABILITY: Is the file available for public inspection at any time during regular business hours? [See 73.3526(d) or 73.3527(d)]

17. ☐ Y ☐ P — LOCATION: Would a member of the public be correctly informed of the location of the public file upon contacting the station personnel at the main studio? [See 73.3526(d) or 73.3527(d)]

SECTION I: Continued

18. [ ] [ ] PHOTOCOPYING: Are copies of any material required to be in the public file available for machine reproduction upon request made in person? [See 73.3526(f) or 73.3527(f)]

19. [ ] [ ] APPLICATIONS: Does the public file contain copies of all applications, exhibits, letters, initial and final decisions in hearing cases, and other documents pertaining to the station which were filed with the Commission and which are open for public inspection at the FCC? [See 73.3526(a) or 73.3527(a)]

20. [ ] [ ] [ ] OWNERSHIP REPORTS: For station licensees who are not sole proprietorships, does the public file contain copies of annual ownership reports and supplemental ownership reports filed with the Commission, including all exhibits, letters, and other documents associated with these filings? [See 73.3526(a)(3) and 73.3527(a)(3)]

21. [ ] [ ] [ ] OWNERSHIP INFORMATION: For non-commercial stations, does the ownership information on file with the Commission reflect the current ownership (board members, officers, etc.) of this station? [See 73.3527(a)(3) and 73.3615(f)]

22. [ ] [ ] [ ] RETENTION OF OWNERSHIP REPORTS: Are ownership reports retained for seven years? [See 73.3526(e) or 73.3527(e)]

23. [ ] [ ] [ ] POLITICAL: Does the licensee have a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request was granted? [See 73.1943 and either 73.3526(a)(4) or 73.3527(a)(4)]

24. [ ] [ ] [ ] FREE POLITICAL TIME: If free time was provided for use by or on behalf of such candidates, has a record of the free time that was provided been placed into the file? [See 73.1943 and either 73.3526(a)(4) or 73.3527(a)(4)]

25. [ ] [ ] [ ] RETENTION OF POLITICAL RECORDS: Are these records retained for a period of two years? [See 73.3526(e) or 73.3527(e)]

26. [ ] [ ] [ ] EMPLOYMENT REPORTS: For stations employing five or more full time employees, has the licensee filed an annual employment report on FCC Form 395 on or before May 31st of each year and placed copies of each report in the public file? [See 73.3526(a)(5) or 73.3527(a)(5) and 73.3612]

SECTION I: Continued

27. [ ] [ ] [ ] RETENTION OF EMPLOYMENT REPORTS: Are employment reports retained for a period of seven years? [See 73.3526(e) or 73.3527(e)]

28. [ ] [ ] [ ] LETTERS FROM PUBLIC: For commercial stations, does the licensee retain all written comments and suggestions received from the public regarding operation of their station unless the writer requested that the correspondence not be made public or the licensee felt that it must be excluded because of the nature of its content, such as a defamatory or obscene letter? [See 73.1202 and 73.3526(a)(7)]

29. [ ] [ ] [ ] RETENTION OF LETTERS: For commercial stations, are all letters retained for three years from the date received? [See 73.3526(e)]

30. [ ] [ ] ISSUES-PROGRAM LISTS: Has the licensee maintained a list of programs that have provided the station's most significant treatment of community issues during the preceding calendar quarter? [See 73.3526(a)(9) or 73.3527(a)(7)]

31. [ ] [ ] FILED QUARTERLY: Was the issues-programs list filed by the tenth day of the succeeding calendar quarter (e.g. January 10, April 10, July 10, & October 10)? [See 73.3526(a)(9) or 73.3527(a)(7)]

32. [ ] [ ] NARRATIVES: Do the issues-programs lists include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment? [See 73.3526(a)(9) or 73.3527(a)(7)]

33. [ ] [ ] DESCRIPTIONS: Does the description of the programs include at a minimum the time, date, duration and title of each program in which the issue was treated? [See 73.3526(a)(9) or 73.3527(a)(7)]

34. [ ] [ ] RETENTION OF ISSUES-PROGRAMS LISTS: Are the issues-programs lists retained for the term of the license? [See 73.3526(e) or 73.3527(e)]

35. [ ] [ ] [ ] DONOR LISTS: For non-commercial stations, does the licensee maintain a list of donors supporting specific programs? [See 73.3527(a)(8)]

SECTION I: Continued

36. [ ] [ ] [ ] RETENTION OF DONOR LISTS: For non-commercial stations, does the licensee retain such donor list(s) for a period of two years? [See 73.3527(a)(8)]

37. [ ] [ ] [ ] TIME BROKERAGE AGREEMENTS: Does the public file contain a copy of every agreement or contract involving time brokerage of the licensees station, or of another station by the licensee? Confidential or proprietary information may be removed. [See 73.3526(a)(12)]

38. [ ] [ ] [ ] RETENTION OF TIME BROKERAGE AGREEMENTS: Are these records maintained as long as the contract or agreement is in force? [See 73.3526]

SECTION II: ANTENNA STRUCTURES

A. ANTENNA STRUCTURES: The construction permit, station license, or other instrument of authorization provides authority for the station to operate under a specific set of operating parameters. The licensee must thoroughly review the current station authorization and compare the listed specifications to the location, height, etc. that is actually used by this station. [See the terms of the station authorization (TSA)]

39. [Y] [P] OVERALL HEIGHT: Does the overall height of the structure match that specified in the station authorization? [See TSA]

40. [Y] [P] ANTENNA: Does the number and height of the antenna bays match that specified in the station authorization? [See TSA]

41. [Y] [P] LOCATION: Does the street address and geographical coordinates of the station transmitter/tower location match exactly with the information shown on the station authorization? [See TSA]

B. PAINTING/LIGHTING: The station authorization specifies the painting and lighting requirements for your operation. This is shown as a set of numbers or letters which correspond to paragraphs found on FCC Form 715 or 715A. If no painting or lighting is required, then the authorization will specify "NONE" or "NONE REQUIRED". The licensee must make certain that the number and placement of paint bands and lighting match exactly with that shown on the station authorization. The licensee should also be aware of the requirement to clean or repaint tower structures as often as necessary to maintain good visibility to aircraft. [See Part 17 and TSA]

42. [Y] [P] [N/A] PAINT SPECIFICATIONS: Does the painting on the tower structure(s) match the specifications in the station authorization? [See TSA]

43. [Y] [P] [N/A] PAINT BANDS: Does the structure have the correct number of bands and are the top and bottom bands painted orange? [See Part 17]

44. [Y] [P] [N/A] LIGHTING SPECIFICATIONS: Does the lighting on the tower structure match exactly with the specifications in the station authorization? [See TSA]

SECTION II: Continued

C. **TOWER LIGHT OBSERVATIONS:** The lighting on tower structures is to be observed at least once every 24 hours either visually or by observing an automatic indicating device; or alternatively the licensee may provide and maintain an automatic alarm system to constantly monitor the lighting on a structure. All automatic or mechanical control devices, indicators, and alarm systems are required to be inspected at intervals NOT TO EXCEED 3 months. [See 17.47]

45. ☐ Y ☐ P ☐ N/A OBSERVATIONS: Is the lighting on the tower(s) observed at least once every 24 hours either visually or by observing an automatic indicating device; or alternatively has the licensee provided and maintained an automatic alarm system? [See 17.47]

46. ☐ Y ☐ P ☐ N/A ALARM MAINTENANCE CHECKS: If utilizing an automatic alarm system, have all automatic or mechanical control devices, indicators, and alarm systems been inspected within the last 3 months? [See 17.47]

D. **FAA NOTIFICATIONS:** The licensee is to notify the nearest Federal Aviation Administration (FAA) Flight Service Station within 30 minutes of the observation of an improper functioning or extinguished top steady burning light or ANY flashing obstruction light regardless of its position on the structure. Such improper functioning beacons include non-lighted beacons as well as those that are lighted, but non-flashing. Notification is to also be made to the FAA once the beacon or steady burning top light is returned to service. Licensees should insure that the telephone number to the nearest FAA Flight Service Center is readily available and known to all personnel who would be responsible for notifying the FAA of such outages. [See 17.48]

47. ☐ Y ☐ P ☐ N/A FAA NOTIFICATION: Is the licensee and all station operators aware of the requirement to notify the nearest FAA Flight Service Station within 30 minutes of the observation of an outage AND to notify the FAA again once the outage is corrected? [See 17.48]

E. **STATION LOGS:** For all station's with authorizations that specify tower lighting, the license is to make entries in the station log concerning ANY observed or otherwise known extinguishment or improper functioning of ANY tower light regardless of its position on the tower. [See 17.49, 73.1213 and 73.1820(a)(1)(i)] This log must contain the following:

a. The nature of such extinguishment or improper functioning.

b. The date and time the extinguishment or improper operation was observed or otherwise noted.

c. The date, time and nature of adjustments, repairs or replacements made.

SECTION II: Continued

NOTE: If multiple licensees are on the same tower, on licensee may be designated, in writing, as primarily responsible for tower maintenance and tower related entries in the station logs. However, each licensee is responsible for maintaining compliance with their own station authorization and each licensee is to maintain a copy of the station logs containing tower light outages. Additionally, copies of any written agreements must be kept in the station records.

48. [ ] [ ] [ ] STATION LOGS: Does the licensee maintain a station log containing entries concerning ANY observed or otherwise known extinguishment or improper functioning of ANY tower light? [See 17.49, 73.1213 and 73.1820(a)(1)(i)]

F. **FENCING:** For stations utilizing antenna tower(s) having radio frequency (RF) potential at the base (series fed, folded unipole, and insulated base antenna's), all towers are to be enclosed within an effective locked fence or other enclosure. Fencing must be capable of preventing access to small children or livestock. The design of the fence must be such that a concerted effort is made to gain access to the tower. [See 73.49]

49. [ ] [ ] [ ] FENCING: Does the station maintain an effective locked fence around all antenna(s) with RF potential at the base? [See 73.49]

SECTION III: EMERGENCY ALERT SYSTEM (EAS)

On December 9, 1994, the Commission released a report and order which essentially moved the Emergency Broadcast System (EBS) rules of Part 73 to the newly established Emergency Alert System (EAS) rules under Part 11. This new rule part reflects the expansion of EAS into other radio services, including cable, along with establishing the move from the analog technology used in EBS to the digital technology used with EAS.

For all broadcast stations, as of July 1, 1995, all two tone decoders must be reset to decode within 3 to 4 secondsl. After July 1, 1995 stations may transmit the shortened two tone attention signal for not less than eight seconds nor more than 25 seconds. As of July 1, 1996, all broadcast stations must have installed and operational EAS equipment capable of sending and receiving the digital EAS protocol. If there are any questions pertaining to the new EAS rules or to the above timetable, then please contact the Commission's EAS office at (202) 418-1220.

A. **PARTICIPATING vs. NON-PARTICIPATING:** The difference between a "Participating" and a "Non-Participating" station occurs during national level emergency activation notification (EAN) alerts. Upon receipt of an EAN the participating station will stay on the air providing necessary information while the non-participating station takes its carrier off the air. ALL stations are to install and maintain EAS equipment and participate in the weekly and monthly tests of the system. Additionally, all stations are required to monitor for state and local EAS activations. Once a state or local level activation has been received, the station management can then decide whether or not to participate further at that level. [See 11.19, 11.54, 11.55 and the EAS plan for your state]

50. [ ] [ ] PARTICIPATING: Does the management of this station know whether the station is a participating or non-participating EAS station?

SECTION III: Continued

B. HANDBOOK/AUTHENTICATOR LIST: All stations are to maintain an EAS Handbook and current authenticator word list. The authenticator word lists are mailed annually to all broadcast stations on file with the Commission's EAS Office. The handbook and authenticator word list are to be maintained and available at ALL normal duty operator positions. Please contact the EAS office for copies of the handbook and authenticator word list. [See 11.15 and 11.17]

51. [Y] [P] HANDBOOK/AUTHENTICATOR LIST: Does the station have an EAS Handbook AND a current authenticator word list posted or available at EACH normal duty operator position, including all remote control and ATS points utilized during any portion of the broadcast day? [See 11.15 and 11.17]

C. EAS DECODER/MONITOR: Until July 1, 1997, all AM stations must install and maintain equipment capable of receiving the shortened 8 second EAS two-tone attention signal. After July 1, 1996 all AM stations must install equipment capable of decoding, either manually or automatically, the digitally encoded EAS protocol while monitoring at least two assigned EAS stations. This equipment must be operational during all hours of broadcast operation. Manually operated equipment must be located so that operators at their normal duty stations can be alerted immediately when EAS messages are received. Only one EAS decoder is required for combined facilities operating from one common location, such as a collocated AM and FM studio. All decoder devices are to be certified by the Commission in accordance with Part 15 of the Commission's rules. [See 11.31, 11.33, 11.34, 11.35 and 11.52]

52. [Y] [P] CERTIFIED EQUIPMENT: Does the station use only certified equipment at each location utilized for EAS monitoring? [See 11.34]

53. [Y] [P] EQUIPMENT STATUS: Is the required EAS decoding/receiving equipment currently installed and in operational condition? [See 11.35]

54. [Y] [P] [N/A] INSTANTANEOUS ALERT RECEPTION: For manually operated EAS decoding equipment, is the decoder installed in a way that enables broadcast station staff to be alerted instantaneously upon receipt of an activation occurring during any portion of your broadcast operation? [See 11.52]

55. [Y] [P] MONITORING ASSIGNED STATION: Is the EAS decoder/monitor tuned to receive EAS activations from the monitoring priorities named in the EAS Operating Handbook? [See 11.52 and the EAS Operating Handbook]

SECTION III: Continued

D. **EAS ENCODER/GENERATOR:** All AM stations are to maintain equipment capable of generating the attention signal to modulate the transmitter so that the signal may be broadcast to other receiving stations. After July 1, 1996, allAM stations are to have installed and operational equipment capable of transmitting the digitally encoded EAS protocol. The equipment may be installed for either manual or automatic activation of the generator. If manual activations are used, the EAS encoder must be located so that station staff, at normal duty locations, can initiate the EAS code and Attention Signal transmission. Only one generator is required at combined studio facilities. Any encoder device used for generating the EAS Attention Signal must be type accepted. [See 11.34, 11.35 and 11.51]

56. Y P N/A CERTIFIED EQUIPMENT: Does the station maintain certified equipment capable of generating the attention signal to modulate the transmitter so that the signal may be broadcast to other receiving stations? [See 11.34]

57. Y P N/A EQUIPMENT STATUS: Is the required EAS encoding/generating equipment currently installed and operational at this station? [See 11.35]

58. Y P N/A LOCATION: For manually operated equipment, is the equipment positioned where responsible broadcast staff can initiate an activation during <u>any portion of the broadcast day</u>? [See 11.51]

SECTION III: Continue

E. **ATTENTION SIGNAL:** All stations are to use only EAS encoder devices which comply with the requirements of Section 11.31 for the transmission of the two-tone attention signal. The retransmission of another off-the-air signal, the use of audio recording devices or any method other than the specified EAS encoder device for the transmission of the two-tone attention signal is prohibited until July 1, 1997. [See 11.31 and 11.52]

59. Y P N/A ATTENTION SIGNAL: Does the station use only certified EAS encoders/generators to conduct the weekly tests of the attention signal? [See 11.31 and 11.52]

F. **EAS TESTS:** All AM stations are to conduct transmission tests of the EAS attention signal a minimum of once a week at random days and times. Until July 1, 1996, these weekly tests are to be conducted between the hours of 8:30 a.m. local time and local sunset. Effective July 1, 1996, all weekly tests are to occur at random days and times, which can include any time of the day or night. In addition, tests are to be conducted once a month as coordinated by the Emergency Communications Committee for each state. The EAS weekly test is optional during the week that a monthly test is conducted. The monthly tests conducted in odd numbered months shall occur between 8:30 a.m. local time and local sunset. The monthly tests conducted in even numbered months shall occur between local sunset and 8:30 a.m. local time. [See 11.61]

60. Y P N/A CONDUCT EAS TESTS: Does the station conduct transmission tests of the EAS two tone attention signal a minimum of once a week at random days and times? [See 11.61(a)]

61. Y P N/A RECEIPT OF EAS TESTS: Did the station receive an EAS test activation during the last full calendar week? [See 11.61(a)]

SECTION III: Continue

G. **STATION LOGS:** All stations are to maintain a station log containing entries pertaining to each test of the Emergency Alert System that is received or initiated by the station. EAS test entries must be made in the station log either manually by responsible broadcast station staff, or by an automatic device. Stations may keep EAS test data in a special EAS log which can be maintained at any convenient location; however, such log must be considered a part of the official station log. It is also to contain entries which adequately describe the reason why any test activation was not received and any corrective action taken. [See 11.35(a), 11.51(l), 11.52(l), 11.61(b) and 73.1820(a)(1)(c)(iii)]

Whenever any EAS equipment becomes defective, the station may operate without the defective equipment, pending its repair or replacement, for a period not in excess of 60 days. The station must make appropriate entries into the station log showing the date and time the equipment was removed and restored to service. [See 11.35(b)]

If the station cannot restore service to the defective equipment within 60 days due to conditions beyond the control of the licensee, then the station must request an extension of this time from the Engineer-In-Charge of the area in which the station is located. Such request shall include the steps that were taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service and an estimation when the defective equipment will be repaired or replaced. [See 11.35(c)]

62. [ ] [ ] STATION LOGS MAINTAINED: Does the licensee maintain a station log containing an entry of each test of the Emergency Alert System (EAS)? [See 11.51(l), 11.52(l), and 73.1820(a)(1)(c)(iii)]

63. [ ] [ ] FAILURE TO RECEIVE EAS TEST: Does the station log contain appropriate entries indicating the reasons why required EAS Weekly Test Transmissions were not received? If all tests have been received and logged during the last two year period, then the appropriate response is yes "Y". [See 11.35(a)]

64. [ ] [ ] EQUIPMENT OUTAGE: Does the station log contain appropriate entries documenting the date and time any EAS equipment was removed and/or restored to service? If there have been no such outages in the last two years, then the appropriate response is yes "Y". [See 11.35(b)]

SECTION IV: TECHNICAL REQUIREMENTS

A. POWER: All AM stations are to maintain antenna or common point input power between 90% and 105% of that authorized. The power is to be maintained as near as practicable to the station's authorized power. [See 73.1560 and TSA]

In the event that it becomes technically impossible to operate at authorized power, a station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, a notification must be sent to the FCC-Mass Media Bureau no later than the 10th day. If normal power is restored prior to the expiration of the 30 day period, the licensee must notify the FCC upon restoration of normal operation.

65. OPERATING POWER: Is the station's operating power between 90% and 105% of that authorized? [See TSA and 73.1560]

B. DIRECT vs INDIRECT METHOD: The antenna input power of AM stations must be determined using the direct method. However, the indirect method may be used on a temporary basis when it is not possible or appropriate to use the direct method due to technical reason. The direct method of power determination for an AM station uses either 1) a suitable instrument for determining the antenna's input power directly from the RF voltage, RF current, and phase; or 2) calculating the product of the licensed antenna or common point resistance at the operating frequency and the square of the indicated unmodulated antenna current at that frequency, as measured at the point where the resistance has been determined.

The indirect method is determined by applying the appropriate factor to the input power to the last radio-frequency power amplifier stage of the transmitter, using the following formula:

Transmitter output power = $E_p \times I_p \times F$

Where: E_p = DC input voltage of final radio stage.
I_p = Total DC input current of final radio stage.
F = Efficiency factor of the transmitter.

The value of the efficiency factor, F, is to be determined and a record of its value is to be maintained and available upon request. [See 73.51]

Licensees must make certain that all duty operators know which method of power determination is being used and how to calculate the output power based on that method.

66. EFFICIENCY FACTOR: Is the efficiency factor known for each transmitter used and a record kept as to its value, along with the source from which this value was determined? [See 73.51(e) and 73.51(f)]

SECTION IV: Continued

C. **FREQUENCY:** The carrier frequency for monophonic transmissions or the center frequency for stereophonic transmissions may not depart more than 20 Hz from the assigned frequency. [See 73.1545(a)]

67. Y P — FREQUENCY: Is the station in compliance with the frequency tolerance specified in 73.1545?

D. **MODULATION:** In no case shall the amplitude modulation of the carrier wave exceed 100% on negative peaks of frequent recurrence, or 125% on positive peaks at any time. [See 73.1570]

68. Y P — MODULATION: Is the station in compliance with the modulation limits specified in 73.1570(b)?

E. **TRANSMITTER METERING & CONTROL:** All stations are to maintain sufficient control at all normal duty operator locations to allow the transmitter duty operator to turn off the transmitter. Stations are also required to maintain sufficient metering to determine compliance with the power limits specified in the station authorization. In addition, all AM stations are to maintain a thermocouple type ammeter or other device capable of providing an indication of RF current which is installed at the base of each antenna element. All remote reading ammeters must be calibrated within 2 percent of the corresponding regular ammeter(s). For directional AM stations, there must also be sufficient metering installed to allow observation of all monitor and phase current indications for each mode of operation monitored from that duty operator location. [See 73.57, 73.58, 73.1410 and 73.1860]

69. Y P — METERING & CONTROL: Does the station have sufficient metering and control at all normal duty operator locations to allow the transmitter duty operator to turn off the transmitter and to determine compliance with the power limits? [See 73.57 and 73.1410]

70. Y P — CURRENT METERING: Does the licensee maintain appropriate metering to provide an indication of RF current at the base of each antenna element? [See 73.58(b)]

71. Y P N/A — CALIBRATION: Are all remote reading ammeters calibrated to within 2 percent of the regular ammeter? [See 73.57(d)]

SECTION V: AUTOMATED and REMOTE CONTROL POINTS

A. AUTOMATIC TRANSMISSION SYSTEM (ATS): Prior to commencing use of the ATS, the station chief operator, technical director, or consulting engineer shall certify in writing to the station licensee that the system has been installed, tested, and fully complies with all prescribed technical standards of the Rules applicable to the particular class of station. [See 73.1500(b)]

72. [Y] [N/A] ATS: Does the station utilize an ATS system?

73. [Y] [P] [N/A] CERTIFICATION: Has a written certification been made to the station licensee that the system complies with the applicable rules? [See 73.1500(b)]

B. REMOTE CONTROL: Whenever a malfunction causes loss of accurate indications of the transmitter operating parameters, use of remote control must be discontinued within 3 hours after the malfunction is first detected. After this 3 hours period, the licensee shall either maintain a transmitter duty operator at the transmitter location or terminate station operation until repairs are made. [See 73.1410(e)]

74. [Y] [N/A] REMOTE CONTROL: Does the station operate by remote control during any portion of the broadcast day?

75. [Y] [P] [N/A] SUFFICIENT METERING: Does the remote control equipment provide accurate indications of the transmitter operating parameters? [See 73.1410]

C. NOTIFICATION: Stations which utilize a remote control point or ATS monitoring and alarm point other than the main studio or transmitter location must notify the Commission in writing within 3 days of initial use of that point. Notification is not required if responsible station personnel may be contacted at the transmitter or studio site during ALL hours of operation when the remote control or ATS duty operator is elsewhere. [See 73.1400(c) and 73.1500(d)]

76. [Y] [P] [N/A] NOTIFICATION: Has the licensee notified the Commission in writing of the location of all remote control or ATS points other than the main studio or transmitter? [See 73.1400(c) and 73.1500(d)]

77. [Y] [P] [N/A] STATION RECORDS: Is a copy of this notification available in the station records?

SECTION V: Continued

D. TELEPHONE DIAL-UP CIRCUITS: Station's using telephone dial up systems for remote control of a transmitting system shall meet all of the following:

1. The station is to provide dial up circuits that either **a)** remain available at all times for the exclusive use of the duty operator; or **b)** provide a means for the operator to interrupt or preempt any other telephone access to the remote control equipment at the transmitter. Alternatively, the station may employ a method, independent of the dial-up circuit, which enables the operator to turn off the transmitter.

2. The licensee shall maintain a transmitter duty operator at a fixed location who provides continuous attendance of the station. Automatic alarms and warnings of out-of-tolerance conditions that may result in interference are to be directed to the duty operator first.

3. The remote control system shall provide sufficient control and operating parameter monitoring capability to maintain compliance with the rules.

[See 73.1410 and the Commission's Public Notice "Clarification of the Commission's Rules Pertaining to Broadcast Station Transmitter Remote Control Operation" released September 12, 1988, 3 FCC Rcd 5695 (1988)] Copies of this document may be obtained by contacting the Commission's contractor for public records duplication at (202)857-3800.

NOTE: The use of remote control points other than the main studio or transmitter site is subject to the station meeting all EBS, notification, and duty operator requirements. Duty operator positions equipped with a telephone and nothing else are **NOT** considered remote control points and any such operation may be considered unattended operation.

78. [ ] [ ] DIAL-UP CIRCUITS: Does the station utilize telephone dial-up circuitry for remote control of a transmitting system?

79. [ ] [ ] [ ] CONSTANT CONTROL: Does the station provide dial up circuits that either **a)** remain available at all time for the exclusive use of the duty operator; or **b)** provide a means for the operator to interrupt or preempt any other telephone access to the remote control equipment at the transmitter; or alternatively, does the station employ a method, independent of the dial-up circuit, which enables the operator to turn off the transmitter from the duty operator location?

80. [ ] [ ] [ ] ALARM CONDITIONS: Are automatic alarms and warnings of out-of-tolerance conditions that may result in interference directed to the duty operator first?

SECTION VI: AM DIRECTIONAL STATIONS

A. DIRECTIONAL OPERATION

81. [Y] [N/A] DIRECTIONAL STATIONS: Does this station utilize a directional antenna system during any portion of the broadcast day? [See TSA]

NOTE: If this station does not utilize a directional antenna system during any part of the broadcast day, then you are not required to answer any further questions contained in this section (Section VI).

B. FIELD STRENGTH MEASUREMENTS: Unless the station authorization specifies otherwise, each directional AM station is to conduct measurements of the field strength at each monitoring point location specified in the station authorization. These measurements are to be taken as often as necessary to ensure that the radiated field at those points does not exceed the values specified in the station authorization. The field strength values specified in the station authorization are maximum values which are not to be exceeded without specific written authority from the Commission. Additionally, stations not having an approved sampling system must make the measurements once each calendar quarter at intervals not exceeding 120 days. If the licensee has reason to believe that the radiated field at any point is exceeding the authorized limits, then the licensee must conduct partial proof of performance measurements. [See 73.61 and 73.154]

82. [Y] [P] FIELD STRENGTH: Is the field strength at each of the specified monitoring point locations at or below the maximum values specified in the station authorization? [See TSA]

C. MONITORING POINT ROUTING: When the descriptive routing to reach any of the monitoring points as shown on the authorization is no longer correct, the station must file a request for a corrected license. Licensees should make certain each point can be located based solely on the description shown on the authorization. [See 73.158 and TSA]

83. [Y] [P] ROUTING: Do the descriptions shown in the current station authorization accurately document the routing necessary to reach all specified monitoring point locations, including current road designations and landmarks? [See 73.158(b) and TSA]

SECTION VI: Continued

D. **METERING:** All directional AM stations are to maintain sufficient metering for the observation of all directional parameters specified in the station authorization. In addition, there must be sufficient metering available to observe the monitor and phase current indications at all duty operator positions utilized during directional operation. An FCC authorized antenna monitor, which is either type approved or notified by the FCC, must be installed at the transmitter site. [See 73.53, 73.57, 73.58, 73.62, 73.69, 73.1410 and 73.1860]

84. Y P ANTENNA METERING: Does the station utilize and maintain equipment capable of determining compliance with the antenna monitor currents and relative phase currents at all transmitter duty operator locations utilized during directional operation? [See 73.1860(b)]

85. Y P APPROVED MONITOR: Is the station utilizing an FCC authorized antenna monitor at the transmitter site? [See 73.53 and 73.69]

E. **DIRECTIONAL PARAMETERS:** Stations operating a directional antenna system must maintain the indicated relative amplitudes of the antenna base currents and antenna monitor (loop) currents within 5% of authorized, unless other tolerances are specified in the station authorization. Most licenses specify a current ratio instead of individual current values. Stations must maintain any specified current ratio within 5% of authorized. Additionally, each directional AM station must maintain the indicated relative phase currents within 3 degrees of that shown on the station authorization for all modes of operation.

Whenever periods of inclement weather or severe climatic conditions make it impossible to maintain the operating parameters (phase, monitor, and base current indications) within tolerance, then the station may operate with parameters at variance for up to 10 days without approval of the FCC. Appropriate entries must be made into the station log documenting these conditions. If the station parameters are at variance for any other reason or if the weather related conditions have continued for 10 days, then the station must request special temporary authority (STA) from the FCC-Mass Media Bureau in Washington, D.C. The station must continue to maintain all monitoring point radiated field strength values within that authorized unless written permission is otherwise given. [See 73.62 and TSA]

86. Y P DIRECTIONAL PARAMETERS: Are all base current ratio's, antenna monitor current ratio's, and relative phase currents for all modes of operation within the tolerances specified in 73.62 and the TSA? If station is currently operating under an STA to operate with parameters at variance, then the appropriate response to this question is to mark the "Y" (Yes) box.

SECTION VI: Continued

F. **STATION RECORDS:** The most recent field strength measurements made to establish the performance of the directional antenna and the most recent partial proof of performance of the directional antenna are to be maintained in the station records and made available upon request. [See 73.151, 73.154 and 73.1225]

87. [ ] [ ] FIELD STRENGTH MEASUREMENTS: Are the most recent field strength measurements, made to establish performance of the directional antenna, readily available? [See 73.151 and 73.1225(d)]

88. [ ] [ ] PROOFS: Are the most recent partial directional antenna proof of performance measurements readily available? [See 73.154 and 73.1225(d)]

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VII. ABBREVIATIONS

AM - ***Amplitude Modulation***

ANSI - ***American National Standards Institute***

ATS - ***Automatic Transmission System***

db - ***Decibel***

EAS - ***Emergency Alert System***

EBS - ***Emergency Broadcast System***

EFM - ***Educational FM Station***

ERP - ***Effective Radiated Power***

F - ***Transmitter Efficiency Factor***

FAA - ***Federal Aviation Administration***

FCC - ***Federal Communications Commission***

FM - ***Frequency Modulation***

KHz - ***Kilohertz***

MHz - ***Megahertz***

NRSC - ***National Radio Systems Committee***

RF - ***Radio Frequency***

RPU - ***Remote Pickup Unit***

SCA - ***Subsidiary Communications Authorization***

STA - ***Special Temporary Authority***

TPO - ***Transmitter Power Output***

TSA - ***Terms of the Station Authorization***

TV - ***Television Broadcast***

VIII. GLOSSARY OF BROADCAST TERMS

Amplitude Modulation (AM)	***- A type of transmission used in the standard radio broadcast band at 550-1705 kilohertz.***
Antenna Proof	***- See Proof of Performance Measurements***
Authenticator Word Lists	***- This document is used for authentication purposes in conjunction with the procedures contained in the EBS checklists. These lists are issued annually by the FCC and mailed to the last known address of each station.***
Bandwidth	***- The amount of frequency spectrum a radio signal occupies.***
EAS Attention Signal	***- An audio signal using the two tone frequencies of 853 and 960 Hz which is transmitted by an EAS station to actuate muted receivers for interstation receipt of emergency cuing announcements and broadcasts.***
EAS Handbook	***- A booklet which states in summary form the actions to be taken by station personnel upon receipt of emergency action notification, termination, or test messages. The authenticator word list is considered part of the EAS Handbook.***
EBS Checklist	***- The old name for the EAS Handbook. It was used under the EBS system.***
EAS Generator/Encoder	***- Equipment capable of generating the EAS attention signal for transmission.***
EAS Monitor/Decoder	***- Equipment capable of receiving the EAS attention signal and emergency programming transmitted by other EAS stations.***
EAS Tests	***- Tests conducted weekly by broadcast stations to ensure that their EAS equipment is functioning properly and that station personnel are familiar with the use of these devices.***

SECTION VIII: Continued

Equipment Performance Measurements	- *Measurements performed to determine the overall performance characteristics of a broadcast transmission system from point of program origination to sampling of signal as radiated.*
Experimental Period	- *The time between 12 midnight local time and local sunrise, used by AM broadcast stations for tests, maintenance and experimentation.*
Extension Metering	- *The meters used to provide indications of a sampled parameter of a broadcast station transmitting system. To be considered an extension meter and not a remote meter, it must be less than 100 feet from the transmitter and installed in the same building as the transmitter.*
Field Strength	- *Electric field intensity, usually measured in millivolts per meter (mV/m) or in decibels above 1 microvolt per meter (dBu).*
Frequency Modulation (FM)	- *A method of modulation where the amplitude remains constant and the frequency of the carrier wave is varied according to the modulating wave. The FM broadcast band covers 88-108 Megahertz.*
Local Marketing Agreement (LMA)	- *See Time Brokerage*
NRSC-1	- *An audio pre-emphasis standard for AM stations which was implemented June 30, 1990. The pre-emphasis generally is obtained by using special "NRSC-1-equipped" audio processing equipment or a special NRSC-1 audio "filter".*
NRSC-2	- *An emission standard for AM stations aimed at attenuating AM sideband energy beyond 10 kHz of the assigned carrier frequency. This standard was implemented June 30, 1994.*
Output Power	- *The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load. Often referred to as TPO.*

Proof of Performance Measurements (Proofs)	*- The measurements of field strengths made to determine the radiation pattern or characteristics of an AM directional antenna system.*
Public Inspection File	*- A publicly accessible file to be maintained by broadcast stations which contains documents pertaining to the station's licensing, ownership, and operation.*
Remote Control	*- Operation by a properly designated person on duty at a control position from which the transmitter is not visible but that position is equipped with suitable controls so that essential functions can be performed.*
Spurious Emissions	*- An emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products.*
Station Authorization	*- Any construction permit, license, special temporary authority, or any other authorization issued by the FCC.*
Time Brokerage	*- Sale by a licensee of discrete blocks of time to a broker who then supplies the programming to fill that time and sells the commercial spot announcements to support it.*
Unattended Operation	*- Operation of a station by automatic means without the attention of a qualified operator.*

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INFORMATION BULLETIN

FEDERAL COMMUNICATIONS COMMISSION

FM BROADCAST STATION SELF – INSPECTION CHECKLIST

Bulletin CIB-18FM
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This document was compiled and developed by:

Kansas City Office

Compliance and Information Bureau

FM SELF-INSPECTION CHECKLIST

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INTRODUCTION

Welcome to the FM Broadcast Station Self-Inspection Checklist.

The Compliance and Information Bureau (CIB) of the FCC is committed to improving licensee compliance with the broadcast regulations. We do this through a combination of educational and enforcement efforts. The enforcement effort usually involves an on-scene station inspection conducted by FCC Personnel. Most on-scene inspections are conducted without prior notification to the station licensee.

This checklist has been developed to assist broadcast station management in conducting a self-inspection of their station. It provides an opportunity for the broadcaster to review and correct any deficiencies associated with the operation of a station without an actual on-scene visit by the Commission.

While not all broadcast regulations are covered by this cheklist, you will be able to assess your compliance with the most frequently violated broadcast regulations. Each question contains a reference to the relevant rule section(s) to facilitate your review. These references pertain to Title 47 Code of Federal Regulations (C.F.R.) Parts 11, 17 and 73.

The following boxes are provided throughout the checklist to aide the broadcaster in determining the stations compliance:

= **YES.** The station is in compliance with this item.

= The station is not in compliance with this item. Corrective action is **PENDING.**

= **NOT APPLICABLE** to this station. If this response is not provided then this question is applicable to all FM stations.

All of the above responses are not applicable to every question. Only appropriate responses will be provided for each question.

You will note that the above responses do not include a "NO" answer. Any question in which a "NO" answer is applicable would be a violative condition requiring corrective action. Stations encountering such situations should take immediate steps to correct the problem.

NEED ASSISTANCE or FORMS?

If you have any questions about this self inspection checklist or the applicability of any regulation to your operation, you may contact any FCC Field Office. **DO NOT MAIL THIS CHECKLIST TO THE FCC FOR OUR REVIEW!**

Requests for Emergency Alert System (EAS) related documents should be directed to the Commission's EAS Office at (202) 418-1220. Requests for any FCC form or bulletin should be directed to the Commission's forms distribution contractor at (800) 418-3676.

SECTION I: ADMINISTRATIVE AND NON-TECHNICAL

A. AUTHORIZATIONS: The station license, construction permit, renewal certificate, auxiliary transmitter authorization, special temporary authorization (STA), and/or any other instrument of authorization shall be readily available and easily accessible. If more than one control point is used, then copies of the appropriate authorization(s) shall be posted at each control point or automatic transmission system (ATS) monitoring and alarm point used. Renewal certificates should be associated with the corresponding station authorizaton. [See 73.1230(a), 73.1635, 73.1670, 73.3533, 73.3536, 73.3537 and 73.3539]

1. [Y] [P] AUTHORIZATIONS: Are <u>current</u> station authorizations posted or readily available at all control or automatic transmission system (ATS) monitoring and alarm points?

B. STATION LOGS/RECORDS:

STATION LOGS: These include entries pertaining to equipment status, the Emergency Alert System (EAS) and to the recording of tower light outages.

STATION RECORDS: These include, but are not limited to chief operator designations and equipment performance measurements.

AVAILABILITY: Station logs and records are to be retained for a periaod of two years, unless specified otherwise, and they shall be made available for inspection or duplication at the request of the FCC or its representatives. Required logs and records are to be readily available for inspction. [See 73.1225, 73.1226, 73.1590, 73.1820 and 73.1840]

2. [Y] [P] LOGS/RECORDS: Are required station logs retained for a period of 2 years? [See 73.1840(a)]

3. [Y] [P] AVAILABILITY: Are station logs/records readily available for inspection and/or duplication at the request of the FCC or its representatives? [See 73.1225 and 73.1226]

4. [Y] [P] [N/A] EQUIPMENT PERFORMANCE MEASUREMENTS: Are the latest Equipment Performance Measurements maintained and readily available? [See 73.1590(a)]

SECTION I: Continued

C. **TRANSMITTER DUTY OPERATOR:** Each station shall have at least one person holding a commercial radio operator license or permit on duty and in charge of the transmitter during ALL periods of broadcast operation. The operator is to be on duty at the transmitter, a remote control point, an automatic transmission system (ATS) monitor and alarm point, or a position where extension meters are installed. The operator may be employed for other duties or operation of other transmitting stations if such other duties will not interfere with the proper operation of the transmission system. [See 73.1860]

5. [ ] [ ] LICENSED OPERATOR: Does the licensee maintain at least one person holding a commercial radio operator license or permit on duty and in charge of the transmitter during ALL PERIODS of broadcast operation? [See 73.1860(a)]

6. [ ] [ ] POSTING OF LICENSE: Are the operator licenses or permits, including temporary permits, posted or readily available at all control ponts where the transmitter operator is normally on duty? [See 73.1230(b)]

7. [ ] [ ] [ ] TEMPORARY LICENSING: Are temporary radio operator permits dated within the last 60 days? [See FCC Form 753, Part 3, Temporary Restricted Radiotelephone Operator Permit]

D. **OPERATOR INSTRUCTION:** The licensee is responsible for ensuring that each transmitter operator is fully instructed and able to perform all required observations and adjustments of the transmitting system. As a minimum each operator must be able to turn off the transmitter and to make the necessary observations and calculations for determining compliance with the station's operating parameters. The operator must also be capable of conducting authentications of EAS activations and associated programming in addition to having the ability to initiate EAS activations. [See 73.1860(c)]

8. [ ] [ ] INSTRUCTED OPERATORS: Are all transmitter duty operators fully instructed and able to perform all required observations and adjustments of the transmitting system? [See 73.1860]

SECTION I: Continued

E. **CHIEF OPERATORS:** Each station must designate a chief operator. The designation is to be in writing with a copy posted with the operator's license. Agreement's with chief operators serving on a contract basis must be in writing with a copy kept in the station files. The chief operator is to review the station logs at least once each week to determine if required entries are being made correctly and to SIGN AND DATE the log upon completion of the review. The chief operator is also responsible for inspection and calibration of the transmission system, monitors, metering and control systems in addition to any equipment performance measurements or other tests as specified in the rules or terms of station authorization. [See 73.1870]

9. Y P CHIEF OPERATOR DESIGNATION: Has the licensee designated a person holding a commercial radio operator license or permit to serve as the station chief operator? [See 73.1870(a & b)]

10. Y P DESIGNATION POSTING: Is the designation in writing with a copy of the document posted or readily available? [See 73.1870(b)]

11. Y P STATION LOG REVIEW: Does the station's chief operator review the station logs at least once each week to determine if required entries are being made? [See 73.1870(c)]

12. Y P SIGNING STATION LOGS: Does the chief operator or a designee date and sign the logs upon completion of the weekly review of these documents? [See 73.1870(c)]

F. **STATION IDENTIFICATION:** Station identification shall be made at the beginning and ending of each period of operation, and hourly, as close to the hour as feasible, at a natural break in program offerings. The identification shall consist of the station's call letters immediately followed by the community of license. Any reference to additional communities must be made after the community of license. The name of the licensee, or the station frequency, channel number, or both, may be inserted between the call letters and community of license. No other insertion is permissible. Simulcasted AM and FM stations may identify jointly if owned by the same licensee. [See 73.1201]

13. Y P IDENTIFICATION: Is the station identification made in accordance with 73.1201?

SECTION I: Continued

G. **TOLL FREE TELEPHONE:** Each station must maintain a local or toll free telephone number within its community of license. Stations operating from studio locations outside of the community of license must make sure residents in the community have access to this number. [See 73.1125]

14. [ ] [ ] TOLL FREE NUMBER: Does the station maintain a local or toll-free telephone number in its community of license? [See 73.1125(c)]

H. **PUBLIC INSPECTION FILE:** All stations are to maintain a public inspection file. If the main studio of the station is located within the community of license, then the public file shall be located at the studio. If the station obtained a written authorization to maintain the studio outside the community of license prior to July 16, 1987, then the file may be maintained at the main studio or within the community of license (at licensees discretion). For all other stations, including combined facilities licensed to more than one community, the public file is to be maintained at any publicly accessible place within the community of license. The file shall be available for public inspection at any time during regular business hours.

Licensees must make certain that the location of the file is disclosed upon request, including telephone inquiries, and that the entire contents of the file are made available without asking the requesting party for any information or reasons pertaining to such request. If a station is concerned about documents being stolen or destroyed, then copies of required documents may be placed into the file in lieu of the originals. The contents of the file are to be made available within a reasonable time for machine reproduction upon request made in person, provided the requesting party pays the reasonable cost of reproduction. [See 73.3526 for commercial station public file rules and 73.3527 for non-commercial station public file rules]

15. [ ] [ ] FILE MAINTAINED: Does the station maintain a public inspection file in accordance with 73.3526(d) or 73.3527(d)?

16. [ ] [ ] AVAILABILITY: Is the file available for public inspection at any time during regular business hours? [See 73.3526(d) or 73.3527(d)]

17. [ ] [ ] LOCATION: Would a member of the public be correctly informed of the location of the public file upon contacting the station personnel at the main studio? [See 73.3526(d) or 73.3527(d)]

Section I: Continued

18. [ ] [ ] PHOTOCOPYING: Are copies of any material required to be in the public file available for machine reproduction upon request made in person? [See 73.3526(f) or 73.3527(f)]

19. [ ] [ ] APPLICATIONS: Does the public file contain copies of all applications, exhibits, letters, initial and final decisions in hearing cases, and other documents pertaining to the station which were filed with the Commission and which are open for public inspection at the FCC? [See 73.3526(a) or 73.3527(a)]

20. [ ] [ ] [ ] OWNERSHIP REPORTS: For station licensees who are not sole proprietorships, does the public file contain copies of annual ownership reports and supplemental ownership reports filed with the Commission, including all exhibits, letters, and other documents associated with these filings? [See 73.3526(a)(3) and 73.3527(a)(3)]

21. [ ] [ ] [ ] OWNERSHIP INFORMATION: For non-commercial stations, does the ownership information on file with the Commission reflect the current ownership (board members, officers, etc.) of this station? [See 73.3527(a)(3) and 73.3615(f)]

22. [ ] [ ] [ ] RETENTION OF OWNERSHIP REPORTS: Are ownership reports retained for seven years? [See 73.3526(e) or 73.3527(e)]

23. [ ] [ ] [ ] POLITICAL: Does the licensee have a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request was granted? [See 73.1943 and either 73.3526(a)(4) or 73.3527(a)(4)]

24. [ ] [ ] [ ] FREE POLITICAL TIME: If free time was provided for use by or on behalf of such candidates, has a record of the free time that was provided been placed into the file? [See 73.1943 and either 73.3526(a)(4) or 73.3527(a)(4)]

25. [ ] [ ] [ ] RETENTION OF POLITICAL RECORDS: Are these records retained for a period of two years? [See 73.3526(e) or 73.3527(e)]

26. [ ] [ ] [ ] EMPLOYMENT REPORTS: For stations employing five or more full time employees, has the licensee filed an annual employment report on FCC Form 395 on or before May 31st of each year and placed copies of each report in the public file? [See 73.3526(a)(5) or 73.3527(a)(5) and 73.3612]

SECTION I: Continued

27. [ ] [ ] [ ] RETENTION OF EMPLOYMENT REPORTS: Are employment reports retained for a period of seven years? [See 73.3526(e) or 73.3527(e)]

28. [ ] [ ] [ ] LETTERS FROM PUBLIC: For commercial stations, does the licensee retain all written comments and suggestions received from the public regarding operation of their station unless the writer requested that the correspondence not be made public or the licensee felt that it must be excluded because of the nature of its content, such as a defamatory or obscene letter? [See 73.1202 and 73.3526(a)(7)]

29. [ ] [ ] [ ] RETENTION OF LETTERS: For commercial stations, are all letters retained for three years from the date received? [See 73.3526(e)]

30. [ ] [ ] ISSUES-PROGRAM LISTS: Has the licensee maintained a list of programs that have provided the station's most significant treatment of community issues during the preceding calendar quarter? [See 73.3526(a)(9) or 73.3527(a)(7)]

31. [ ] [ ] FILED QUARTERLY: Was the issues-programs list filed by the tenth day of the succeeding calendar quarter (e.g. January 10, April 10, July 10, & October 10)? [See 73.3526(a)(9) or 73.3527(a)(7)]

32. [ ] [ ] NARRATIVES: Do the issues-programs lists include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment? [See 73.3526(a)(9) or 73.3527(a)(7)]

33. [ ] [ ] DESCRIPTIONS: Does the description of the programs include at a minimum the time, date, duration and title of each program in which the issue was treated? [See 73.3526(a)(9) or 73.3527(a)(7)]

34. [ ] [ ] RETENTION OF ISSUES-PROGRAMS LISTS: Are the issues-programs lists retained for the term of the license? [See 73.3526(e) or 73.3527(e)]

35. [ ] [ ] [ ] DONOR LISTS: For non-commercial stations, does the licensee maintain a list of donors supporting specific programs? [See 73.3527(a)(8)]

SECTION I: Continued

36. [ ] [ ] [ ] RETENTION OF DONOR LISTS: For non-commercial stations, does the licensee retain such donor list(s) for a period of two years? [See 73.3527(a)(8)]

37. [ ] [ ] [ ] TIME BROKERAGE AGREEMENTS: Does the public file contain a copy of every agreement or contract involving time brokerage of the licensees station, or of another station by the licensee? Confidential or proprietary information may be removed. [See 73.3526(a)(12)]

38. [ ] [ ] [ ] RETENTION OF TIME BROKERAGE AGREEMENTS: Are these records maintained as long as the contract or agreement is in force? [See 73.3526]

SECTION II: ANTENNA STRUCTURES

A. ANTENNA STRUCTURES: The construction permit, station license, or other instrument of authorizaton provides authority for the station to operate under a specific set of operating parameters. The licensee must thoroughly review the current station authorization and compare the listed specifications to the location, height, etc. that is actually used by this station. [See the terms of the station authorization (TSA)]

39. [ ] [ ] OVERALL HEIGHT: Does the overall height of the structure match that specified in the station authorization? [See TSA]

40. [ ] [ ] ANTENNA: Does the number and height of the antenna bays match that specified in the station authorization? [See TSA]

41. [ ] [ ] LOCATION: Does the street address and geographical coordinates of the station transmitter/tower location match exactly with the information shown on the station authorization? [See TSA]

B. PAINTING/LIGHTING: The station autorization specifies the painting and lighting requirements for your operation. This is shown as a set of numbers or letters which correspond to paragraphs found on FCC Form 715 or 715A. If no painting or lighting is required, then the authorization will specify "NONE" or "NONE REQUIRED". The licensee must make certain that the number and placement of paint bands and lighting match exactly with that shown on the station authorization. The licensee should also be aware of the requirement to clean or repaint tower structures as often as necessary to maintain good visibility to aircraft. [See Part 17 and TSA]

42. [ ] [ ] [ ] PAINT SPECIFICATIONS: Does the painting on the tower structure(s) match the specifications in the station authorization? [See TSA]

43. [ ] [ ] [ ] PAINT BANDS: Does the structure have the correct number of bands and are the top and bottom bands painted orange? [See Part 17]

44. [ ] [ ] [ ] LIGHTING SPECIFICATIONS: Does the lighting on the tower structure match exactly with the specifications in the station authorization? [See TSA]

SECTION II: Continued

C. **TOWER LIGHT OBSERVATIONS:** The lighting on tower structures is to be observed at least once every 24 hours either visually or by observing an automatic indicating device; or alternatively the licensee may provide and maintain an automatic alarm system to constantly monitor the lighting on a structure. All automatic or mechanical control devices, indicators, and alarm systems are required to be inspected at intervals NOT TO EXCEED 3 months. [See 17.47]

45. Y P N/A OBSERVATIONS: Is the lighting on the tower(s) observed at least once every 24 hours either visually or by observing an automatic indicating device; or alternatively has the licensee provided and maintained an automatic alarm system? [See 17.47]

46. Y P N/A ALARM MAINTENANCE CHECKS: If utilizing an automatic alarm system, have all automatic or mechanical control devices, indicators, and alarm systems been inspected within the last 3 months? [See 17.47]

D. **FAA NOTIFICATIONS:** The licensee is to notify the nearest Federal Aviation Administration (FAA) Flight Service Station within 30 minutes of the observation of an improper functioning or extinguished top steady buring light or ANY flashing obstruction light regarless of its position on the structure. Such improper functioning beacons include non-lighted beacons as well as those that are lighted, but non-flashing. Notification is to also be made to the FAA once the beacon or steady burning top light is returned to service. Licensees should insure that the telephone number to the nearest FAA Flight Service Center is readily available and known to all personnel who would be responsible for notifying the FAA of such outages. [See 17.48]

47. Y P N/A FAA NOTIFICATION: Is the licensee and all station operators aware of the requirement to notify the nearest FAA Flight Service Station within 30 minutes of the observation of an outage AND to notify the FAA again once the outage is corrected? [See 17.48]

E. **STATION LOGS:** For all station's with authorizations that specify tower lighting, the license is to make entries in the station log concerning ANY observed or otherwise known extinguishment or improper functioning of ANY tower light regardless of its position on the tower. [See 17.49, 73.1213 and 73.1820(a)(1)(i)] This log must contain the following:

a. The nature of such extinguishment or improper functioning.

b. The date and time the extinguishment or improper operation was observed or otherwise noted.

c. The date, time and nature of adjustments, repairs or replacements made.

SECTION II: Continued

NOTE: If multiple licensees are on the same tower, on licensee may be designated, in writing, as primarily responsible for tower maintenance and tower related entries in the station logs. However, each licensee is responsible for maintaining compliance with their own station authorization and each licensee is to maintain a copy of the station logs containing tower light outages. Additionally, copies of any written agreements must be kept in the station records.

48. [ ] [ ] [ ] STATION LOGS: Does the licensee maintain a station log containing entries concerning ANY observed or otherwise known extinguishment or improper functioning of ANY tower light? [See17.49, 73.1213 and 73.1820(a)(1)(i)]

SECTION III: EMERGENCY ALERT SYSTEM (EAS)

On December 9, 1994, the Commission released a report and order which essentially moved the Emergency Broadcast System (EBS) rules of Part 73 to the newly established Emergency Alert System (EAS) rules under Part 11. This new rule part reflects the expansion of EAS into other radio services, including cable, along with establishing the move from the analog technology used in EBS to the digital technology used with EAS.

For all broadcast stations, as of July 1, 1995, all two tone decoders must be reset to decode within 3 to 4 secondsl. After July 1, 1995 stations may transmit the shortened two tone attention signal for not less than eight seconds nor more than 25 seconds. As of July 1, 1996, all broadcast stations must have installed and operational EAS equipment capable of sending and receiving the digital EAS protocol. If there are any questions pertaining to the new EAS rules or to the above timetable, then please contact the Commission's EAS office at (202) 418-1220.

A. **PARTICIPATING vs. NON-PARTICIPATING:** The difference between a "Participating" and a "Non-Participating" station occurs during national level emergency activation notification (EAN) alerts. Upon receipt of an EAN the participating station will stay on the air providing necessary information while the non-participating station takes its carrier off the air. ALL stations are to install and maintain EAS equipment and participate in the weekly and monthly tests of the system. Additionally, all stations are required to monitor for state and local EAS activations. Once a state or local level activation has been received, the station management can then decide whether or not to participate further at that level. [See 11.19, 11.54, 11.55 and the EAS plan for your state]

49. [Y] [P] PARTICIPATING: Does the management of this station know whether the station is a participating or non-participating EAS station?

SECTION III: Continued

B. **HANDBOOK/AUTHENTICATOR LIST:** All stations are to maintain an EAS Handbook and current authenticator word list. The authenticator word lists are mailed annually to all broadcast stations on file with the Commission's EAS Office. The handbook and authenticator word list are to be maintained and available at ALL normal duty operator positions. Please contact the EAS office for copies of the handbook and authenticator word list. [See 11.15 and 11.17]

50. Y P — HANDBOOK/AUTHENTICATOR LIST: Does the station have an EAS Handbook AND a current authenticator word list posted or available at EACH normal duty operator position, including all remote control and ATS points utilized during any portion of the broadcast day? [See 11.15 and 11.17]

C. **EAS DECODER/MONITOR:** Until July 1, 1997, all FM stations must install and maintain equipment capable of receiving the shortened 8 second EAS two-tone attention signal. After July 1, 1996 all FM stations must install equipment capable of decoding, either manually or automatically, the digitally encoded EAS protocol while monitoring at least two assigned EAS stations. This equipment must be operational during all hours of broadcast operation. Manually operated equipment must be located so that operators at their normal duty stations can be alerted immediately when EAS messages are received. Only one EAS decoder is required for combined facilities operating from one common location, such as a collocated AM and FM studio. All decoder devices are to be certified by the Commission in accordance with Part 15 of the Commission's rules. [See 11.31, 11.33, 11.34, 11.35 and 11.52]

51. Y P — CERTIFIED EQUIPMENT: Does the station use only certified equipment at each location utilized for EAS monitoring? [See 11.34]

52. Y P — EQUIPMENT STATUS: Is the required EAS decoding/receiving equipment currently installed and in operational condition? [See 11.35]

53. Y P N/A — INSTANTANEOUS ALERT RECEPTION: For manually operated EAS decoding equipment, is the decoder installed in a way that enables broadcast station staff to be alerted instantaneously upon receipt of an activation occurring during any portion of your broadcast operation? [See 11.52]

54. Y P — MONITORING ASSIGNED STATION: Is the EAS decoder/monitor tuned to receive EAS activations from the monitoring priorities named in the EAS Operating Handbook? [See 11.52 and the EAS Operating Handbook]

SECTION III: Continued

D. **EAS ENCODER/GENERATOR:** All FM stations, with the exception of Class D non-commercial stations, are to maintain equipment capable of generating the attention signal to modulate the transmitter so that the signal may be broadcast to other receiving stations. After July 1, 1996, all FM stations, except Class D non-commercial stations, are to have installed and operational equipment capable of transmitting the digitally encoded EAS protocol. The equipment may be installed for either manual or automatic activation of the generator. If manual activations are used, the EAS encoder must be located so that station staff, at normal duty locations, can initiate the EAS code and Attention Signal transmission. Only one generator is required at combined studio facilities. Any encoder device used for generating the EAS Attention Signal must be type accepted. [See 11.34, 11.35 and 11.51]

55. [ ] [ ] [ ] CERTIFIED EQUIPMENT: Does the station maintain certified equipment capable of generating the attention signal to modulate the transmitter so that the signal may be broadcast to other receiving stations? [See 11.34]

56. [ ] [ ] [ ] EQUIPMENT STATUS: Is the required EAS encoding/generating equipment currently installed and operational at this station? [See 11.35]

57. [ ] [ ] [ ] LOCATION: For manually operated equipment, is the equipment positioned where responsible broadcast staff can initiate an activation during <u>any portion of the broadcast day</u>? [See 11.51]

SECTION III: Continue

E. **ATTENTION SIGNAL:** All stations are to use only EAS encoder devices which comply with the requirements of Section 11.31 for the transmission of the two-tone attention signal. The retransmission of another off-the-air signal, the use of audio recording devices or any method other than the specified EAS encoder device for the transmission of the two-tone attention signal is prohibited until July 1, 1997. [See 11.31 and 11.52]

58. Y P N/A ATTENTION SIGNAL: Does the station use only certified EAS encoders/generators to conduct the weekly tests of the attention signal? [See 11.31 and 11.52]

F. **EAS TESTS:** All FM stations, except Class D non-commercial stations authorized 10 watts or less, are to conduct transmission tests of the EAS attention signal a minimum of once a week at random days and times. Until July 1, 1996, these weekly tests are to be conducted between the hours of 8:30 a.m. local time and local sunset. Effective July 1, 1996, all weekly tests are to occur at random days and times, which can include any time of the day or night. In addition, tests are to be conducted once a month as coordinated by the Emergency Communications Committee for each state. The EAS weekly test is optional during the week that a monthly test is conducted. The monthly tests conducted in odd numbered months shall occur between 8:30 a.m. local time and local sunset. The monthly tests conducted in even numbered months shall occur between local sunset and 8:30 a.m. local time. [See 11.61]

59. Y P N/A CONDUCT EAS TESTS: Does the station conduct transmission tests of the EAS two tone attention signal a minimum of once a week at random days and times? [See 11.61(a)]

60. Y P N/A RECEIPT OF EAS TESTS: Did the station receive an EAS test activation during the last full calendar week? [See 11.61(a)]

SECTION III: Continue

G. **STATION LOGS:** All stations are to maintain a station log containing entries pertaining to each test of the Emergency Alert System that is received or initiated by the station. EAS test entries must be made in the station log either manually by responsible broadcast station staff, or by an automatic device. Stations may keep EAS test data in a special EAS log which can be maintained at any convenient location; however, such log must be considered a part of the official station log. It is also to contain entries which adequately describe the reason why any test activation was not received and any corrective action taken. [See 11.35(a), 11.51(l), 11.52(l), 11.61(b) and 73.1820(a)(1)(c)(iii)]

Whenever any EAS equipment becomes defective, the station may operate without the defective equipment, pending its repair or replacement, for a period not in excess of 60 days. The station must make appropriate entries into the station log showing the date and time the equipment was removed and restored to service. [See 11.35(b)]

If the station cannot restore service to the defective equipment within 60 days due to conditions beyond the control of the licensee, then the station must request an extension of this time from the Engineer-In-Charge of the area in which the station is located. Such request shall include the steps that were taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service and an estimation when the defective equipment will be repaired or replaced. [See 11.35(c)]

61. Y P — STATION LOGS MAINTAINED: Does the licensee maintain a station log containing an entry of each test of the Emergency Alert System (EAS)? [See 11.51(l), 11.52(l), and 73.1820(a)(1)(c)(iii)]

62. Y P — FAILURE TO RECEIVE EAS TEST: Does the station log contain appropriate entries indicating the reasons why required EAS Weekly Test Transmissions were not received? If all tests have been received and logged during the last two year period, then the appropriate response is yes "Y". [See 11.35(a)]

63. Y P — EQUIPMENT OUTAGE: Does the station log contain appropriate entries documenting the date and time any EAS equipment was removed and/or restored to service? If there have been no such outages in the last two years, then the appropriate response is yes "Y". [See 11.35(b)]

SECTION IV: TECHNICAL REQUIREMENTS

A. POWER: All FM stations operating with more than 10 watts are to maintain operating power between 90% and 105% of that authorized. The power is to be maintained as near as practicable to the station's authorized power. [See 73.1560 and TSA]

In the event that it becomes technically impossible to operate at authorized power, a station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, a notification must be sent to the FCC-Mass Media Bureau no later than the 10th day. If normal power is restored prior to the expiration of the 30 day period, the licensee must notify the FCC upon restoration of normal operation.

64. [ ] [ ] [ ] OPERATING POWER: Is the station's operating power between 90% and 105% of that authorized? [See TSA and 73.1560]

B. DIRECT vs INDIRECT METHOD: The operating power of FM stations may be determined by either the direct or indirect method. The direct method of powerdetermination for an FM station uses the indications of a calibrated transmission line meter located at the RF output terminals of the transmitter. This meter must be calibrated whenever there is any indication that the calibration is inaccurate or whenever any component of the metering circuit is repaired or replaced.

The indirect method is determined by applying the appropriate factor to the input power to the last radio-frequency power amplifier stage of the transmitter, using the following formula:

Transmitter output power = $E_p \times I_p \times F$

Where: E_p = DC input voltage of final radio stage.
I_p = Total DC input current of final radio stage.
F = Efficiency factor of the transmitter.

The value of the efficiency factor, F, is to be determined and a record of its value is to be maintained and available upon request. [See 73.267]

Licensees must make certain that all duty operators know which method of power determination is being used and how to calculate the output power based on that method.

65. [ ] [ ] [ ] EFFICIENCY FACTOR: Is the efficiency factor known for each transmitter used and a record kept as to its value, along with the source from which this value was determined? [See 73.267(c)]

SECTION IV: Continued

C. **FREQUENCY:** The departure of the carrier or center frequency of an FM station with a licensed output power of more than 10 watts may not exceed 2000 Hz from that authorized. For stations operating with 10 watts or less the tolerance is 3000 Hz. [See 73.1545]

66. Y P FREQUENCY: Is the station in compliance with the frequency tolerance specified in 73.1545?

D. **MODULATION:** The total modulation may not exceed 100 percent on peaks of frequent reoccurrence with reference to 75 kHz deviation. However, stations using subsidiary communications, also known as subcarriers or SCA's, may increase the peak modulation .5 percent for each 1.0 percent subcarrier injection up to a total of 110 percent (82.5 kHz peak deviation). [See 73.1570]

67. Y P MODULATION: Is the station in compliance with the modulation limits specified in 73.1570(b)?

E. **TRANSMITTER METERING & CONTROL:** All stations are to maintain sufficient control at all normal duty operator locations to allow the transmitter duty operator to turn off the transmitter. In addition, all stations, except non-commercial stations authorized 10 watts or less, are to maintain sufficient metering to determine compliance with the power limits specified in the station authorization. [See 73.258 and 73.1410]

68. Y P METERING & CONTROL: Does the station have sufficient metering and control at all normal duty operator locations to allow the transmitter duty operator to turn off the transmitter and to determine compliance with the power limits? [See 73.258 and 73.1410]

SECTION V: AUTOMATED and REMOTE CONTROL POINTS

A. AUTOMATIC TRANSMISSION SYSTEM (ATS): Prior to commencing use of the ATS, the station chief operator, technical director, or consulting engineer shall certify in writing to the station licensee that the system has been installed, tested, and fully complies with all prescribed technical standards of the Rules applicable to the particular class of station. [See 73.1500(b)]

69. [Y] [N/A] ATS: Does the station utilize an ATS system?

70. [Y] [P] [N/A] CERTIFICATION: Has a written certification been made to the station licensee that the system complies with the applicable rules? [See 73.1500(b)]

B. REMOTE CONTROL: Whenever a malfunction causes loss of accurate indications of the transmitter operating parameters, use of remote control must be discontinued within 3 hours after the malfunction is first detected. After this 3 hours period, the licensee shall either maintain a transmitter duty operator at the transmitter location or terminate station operation until repairs are made. [See 73.1410(e)]

71. [Y] [N/A] REMOTE CONTROL: Does the station operate by remote control during any portion of the broadcast day?

72. [Y] [P] [N/A] SUFFICIENT METERING: Does the remote control equipment provide accurate indications of the transmitter operating parameters? [See 73.1410]

C. NOTIFICATION: Stations which utilize a remote control point or ATS monitoring and alarm point other than the main studio or transmitter location must notify the Commission in writing within 3 days of initial use of that point. Notification is not required if responsible station personnel may be contacted at the transmitter or studio site during ALL hours of operation when the remote control or ATS duty operator is elsewhere. [See 73.1400(c) and 73.1500(d)]

73. [Y] [P] [N/A] NOTIFICATION: Has the licensee notified the Commission in writing of the location of all remote control or ATS points other than the main studio or transmitter? [See 73.1400(c) and 73.1500(d)]

74. [Y] [P] [N/A] STATION RECORDS: Is a copy of this notification available in the station records?

SECTION V: Continued

D. TELEPHONE DIAL-UP CIRCUITS: Station's using telephone dial up systems for remote control of a transmitting system shall meet all of the following:

1. The station is to provide dial up circuits that either **a)** remain available at all times for the exclusive use of the duty operator; or **b)** provide a means for the operator to interrupt or preempt any other telehone access to the remote control equipment at the transmitter. Alternatively, the station may employ a method, independent of the dial-up circuit, which enables the operator to turn off the transmitter.

2. The licensee shall maintain a transmitter duty operator at a fixed location who provides continuous attendance of the station. Automatic alarms and warnings of out-of-tolerance conditions that may result in interference are to be directed to the duty operator first.

3. The remote control system shall provide sufficient control and operating parameter monitoring capability to maintain compliance with the rules.

[See 73.1410 and the Commission's Public Notice "Clarification of the Commission's Rules Pertaining to Broadcast Station Transmitter Remote Control Operation" released September 12, 1988, 3 FCC Rcd 5695 (1988)] Copies of this document may be obtained by contacting the Commission's contractor for public records duplication at (202)857-3800.

NOTE: The use of remote control points other than the main studio or transmitter site is subject to the station meeting all EAS, notification, and duty operator requirements. Duty operator positions equipped with a telephone and nothing else are **NOT** considered remote control points and any such operation may be considered unattended operation.

75. [ ] [ ] DIAL-UP CIRCUITS: Does the station utilize telephone dial-up circuitry for remote control of a transmitting system?

76. [ ] [ ] [ ] CONSTANT CONTROL: Does the station provide dial up circuits that either **a)** remain available at all time for the exclusive use of the duty operator; or **b)** provide a means for the operator to interrupt or preempt any other telephone access to the remote control equipment at the transmitter; or alternatively, does the station employ a method, independent of the dial-up circuit, which enables the operator to turn off the transmitter from the duty operator location?

77. [ ] [ ] [ ] ALARM CONDITIONS: Are automatic alarms and warnings of out-of-tolerance conditions that may result in interference directed to the duty operator first?

VI. ABBREVIATIONS

AM - ***Amplitude Modulation***

ANSI - ***American National Standards Institute***

ATS - ***Automatic Transmission System***

db - ***Decibel***

EAS - ***Emergency Alert System***

EBS - ***Emergency Broadcast System***

EFM - ***Educational FM Station***

ERP - ***Effective Radiated Power***

F - ***Transmitter Efficiency Factor***

FAA - ***Federal Aviation Administration***

FCC - ***Federal Communications Commission***

FM - ***Frequency Modulation***

KHz - ***Kilohertz***

MHz - ***Megahertz***

NRSC - ***National Radio Systems Committee***

RF - ***Radio Frequency***

RPU - ***Remote Pickup Unit***

SCA - ***Subsidiary Communications Authorization***

STA - ***Special Temporary Authority***

TPO - ***Transmitter Power Output***

TSA - ***Terms of the Station Authorization***

TV - ***Television Broadcast***

VII. GLOSSARY OF BROADCAST TERMS

Amplitude Modulation (AM)	***- A type of transmission used in the standard radio broadcast band at 550-1705 kilohertz.***
Antenna Proof	***- See Proof of Performance Measurements***
Authenticator Word Lists	***- This document is used for authentication purposes in conjunction with the procedures contained in the EAS handbooks. These lists are issued annually by the FCC and mailed to the last known address of each station.***
Bandwidth	***- The amount of frequency spectrum a radio signal occupies.***
EAS Attention Signal	***- An audio signal using the two tone frequencies of 853 and 960 Hz which is transmitted by an EAS station to actuate muted receivers for interstation receipt of emergency culng announcements and broadcasts.***
EAS Handbook	***- A booklet which states in summary form the actions to be taken by station personnel upon receipt of emergency action notification, termination, or test messages. The authenticator word list is considered part of the EAS Handbook.***
EBS Checklist	***- The old name for the EAS Handbook. It was used under the EBS system.***
EAS Generator/Encoder	***- Equipment capable of generating the EAS attention signal for transmission.***
EAS Monitor/Decoder	***- Equipment capable of receiving the EAS attention signal and emergency programming transmitted by other EAS stations.***
EAS Tests	***- Tests conducted weekly by EAS stations to ensure that their EAS equipment is functioning properly.***

Equipment Performance Measurements	- *Measurements performed to determine the overall performance characteristics of a broadcast transmission system from point of program origination to sampling of signal as radiated.*
Experimental Period	- *The time between 12 midnight local time and local sunrise, used by AM broadcast stations for tests, maintenance and experimentation.*
Extension Metering	- *The meters used to provide indications of a sampled parameter of a broadcast station transmitting system. To be considered an extension meter and not a remote meter, it must be less than 100 feet from the transmitter and installed in the same building as the transmitter.*
Field Strength	- *Electric field intensity, usually measured in millivolts per meter (mV/m) or in decibels above 1 microvolt per meter (dBu).*
Frequency Modulation (FM)	- *A method of modulation where the amplitude remains constant and the frequency of the carrier wave is varied according to the modulating wave. The FM broadcast band covers 88-108 Megahertz.*
Local Marketing Agreement (LMA)	- *See Time Brokerage*
NRSC-1	- *An audio pre-emphasis standard for AM stations which was implemented June 30, 1990. The pre-emphasis generally is obtained by using special "NRSC-1-equipped" audio processing equipment or a special NRSC-1 audio "filter".*
NRSC-2	- *An emission standard for AM stations aimed at attenuating AM sideband energy beyond 10 kHz of the assigned carrier frequency. This standard was implemented June 30, 1994.*
Output Power	- *The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load. Often referred to as TPO.*

Public Inspection File	***- A publicly accessible file to be maintained by broadcast stations which contains documents pertaining to the station's licensing, ownership, and operation.***
Remote Control	***- Operation by a properly designated person on duty at a control position from which the transmitter is not visible but that position is equipped with suitable controls so that essential functions can be performed.***
Spurious Emissions	***- An emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products.***
Station Authorization	***- Any construction permit, license, special temporary authority, or any other authorization issued by the FCC.***
Time Brokerage	***- Sale by a licensee of discrete blocks of time to a broker who then supplies the programming to fill that time and sells the commercial spot announcements to support it.***
Unattended Operation	***- Operation of a station by automatic means without the attention of a qualified operator.***

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SECTION VII: Continued

Public Inspection File	- *A publicly accessible file to be maintained by broadcast stations which contains documents pertaining to the station's licensing, ownership, and operation.*
Remote Control	- *Operation by a properly designated person on duty at a control position from which the transmitter is not visible but that position is equipped with suitable controls so that essential functions can be performed.*
Spurious Emissions	- *An emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products.*
Station Authorization	- *Any construction permit, license, special temporary authority, or any other authorization issued by the FCC.*
Time Brokerage	- *Sale by a licensee of discrete blocks of time to a broker who then supplies the programming to fill that time and sells the commercial spot announcements to support it.*
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INFORMATION BULLETIN

FEDERAL COMMUNICATIONS COMMISSION

TV BROADCAST STATION SELF – INSPECTION CHECKLIST

Bulletin CIB-18TV
July 1995

This document was compiled and developed by:

Kansas City Office

Compliance and Information Bureau

TV SELF-INSPECTION CHECKLIST

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INTRODUCTION

Welcome to the TV Broadcast Station Self-Inspection Checklist.

The Compliance and Information Bureau (CIB) of the FCC is committed to improving licensee compliance with the broadcast regulations. We do this through a combination of educational and enforcement efforts. The enforcement effort usually involves an on-scene station inspection conducted by FCC Personnel. Most on-scene inspections are conducted without prior notification to the station licensee.

This checklist has been developed to assist you in conducting a self-inspection of your station. It provides an opportunity for you to review and correct any deficiencies associated with the operation of your station without an actual on-scene visit by the Commission.

While not all broadcast regulations are covered by this checklist, you will be able to assess your compliance with the most frequently violated broadcast regulations. Each question contains a reference to the relevant rule section(s) to facilitate your review. These references pertain to Title 47, Code of Federal Regulations (C.F.R.), Parts 11, 17 and 73.

The following boxes are provided throughout the checklist to aide the broadcaster in determining the stations compliance:

= **YES**. The station is in compliance with this item.

= The station is not in compliance with this item. Corrective action is **PENDING**.

= **NOT APPLICABLE** to this station. If this response is not provided then this question is applicable to all TV stations.

All of the above responses are not applicable to every question.

You will note that the above responses do not include a "NO" answer. Any question in which a "NO" answer is applicable would be a violative condition requiring corrective action. Stations encountering such situations should take immediate steps to correct the problem.

NEED ASSISTANCE or FORMS?

If you have any questions about this self inspection checklist or the applicability of any regulation to your operation, you may contact any FCC Field Office. **DO NOT MAIL THIS CHECKLIST TO THE FCC FOR OUR REVIEW!**

Requests for Emergency Alert System (EAS) related documents should be directed to the Commission's EAS Office at (202) 418-1220. Requests for any FCC form or bulletin should be directed to the Commission's forms distribution contractor at (800) 418-3676.

SECTION I: ADMINISTRATIVE AND NON-TECHNICAL

A. AUTHORIZATIONS: The station license, construction permit, renewal certificate, auxiliary transmitter authorization, special temporary authorization (STA), and/or any other instrument of authorization shall be readily available and easily accessible. If more than one control point is used, then copies of the appropriate authorization(s) shall be posted at each control point or automatic transmission system (ATS) monitoring and alarm point used. Renewal certificates should be associated with the corresponding station authorization. [See 73.1230(a), 73.1635, 73.1670, 73.3533, 73.3536, 73.3537 and 73.3539]

1. [ ] [ ] AUTHORIZATIONS: Are <u>current</u> station authorizations posted or readily available at all control or automatic transmission system (ATS) monitoring and alarm points?

B. STATION LOGS/RECORDS:

STATION LOGS: These include entries pertaining to equipment status, the Emergency Alert System (EAS) and to the recording of tower light outages.

STATION RECORDS: These include, but are not limited to chief operator designations and equipment performance measurements.

AVAILABILITY: Station logs and records are to be retained for a period of two years, unless specified otherwise, and they shall be made available for inspection or duplication at the request of the FCC or its representatives. Required logs and records are to be readily available for inspection. [See 73.1225, 73.1226, 73.1590, 73.1820 and 73.1840]

2. [ ] [ ] LOGS/RECORDS: Are required station logs retained for a period of 2 years? [See 73.1840(a)]

3. [ ] [ ] AVAILABILITY: Are station logs/records readily available for inspection and/or duplication at the request of the FCC or its representatives? [See 73.1225 and 73.1226]

4. [ ] [ ] [ ] EQUIPMENT PERFORMANCE MEASUREMENTS: Are the latest Equipment Performance Measurements maintained and readily available? [See 73.1590(a)]

SECTION I: Continued

C. **TRANSMITTER DUTY OPERATOR:** Each station shall have at least one person holding a commercial radio operator license or permit on duty and in charge of the transmitter during ALL periods of broadcast operation. The operator is to be on duty at the transmitter, a remote control point, an automatic transmission system (ATS) monitor and alarm point, or a position where extension meters are installed. The operator may be employed for other duties or operation of other transmitting stations if such other duties will not interfere with the proper operation of the transmission system. [See 73.1860]

5. [ ] [ ] LICENSED OPERATOR: Does the licensee maintain at least one person holding a commercial radio operator license or permit on duty and in charge of the transmitter during ALL PERIODS of broadcast operation? [See 73.1860(a)]

6. [ ] [ ] POSTING OF LICENSE: Are the operator licenses or permits, including temporary permits, posted or readily available at all control points where the transmitter operator is normally on duty? [See 73.1230(b)]

7. [ ] [ ] [ ] TEMPORARY LICENSING: Are temporary radio operator permits dated within the last 60 days? [See FCC Form 753, Part 3, Temporary Restricted Radiotelephone Operator Permit]

D. **OPERATOR INSTRUCTION:** The licensee is responsible for ensuring that each transmitter operator is fully instructed and able to perform all required observations and adjustments of the transmitting system. As a minimum each operator must be able to turn off the transmitter and to make the necessary observations and calculations for determining compliance with the station's operating parameters. The operator must also be capable of conducting authentications of EAS activations and associated programming in addition to having the ability to initiate EAS activations. [See 73.1860(c)]

8. [ ] [ ] INSTRUCTED OPERATORS: Are all transmitter duty operators fully instructed and able to perform all required observations and adjustments of the transmitting system? [See 73.1860]

SECTION I: Continued

E. **CHIEF OPERATORS:** Each station must designate a chief operator. The designation is to be in writing with a copy posted with the operator's license. Chief operators for TV stations must be station employees working a sufficient number of hours to keep the station compliant with FCC Rules. The chief operator is to review the station logs at least once each week to determine if required entries are being made correctly and to SIGN AND DATE the log upon completion of the review. The chief operator is also responsible for inspection and calibration of the transmission system, monitors, metering and control systems in addition to any equipment performance measurements or other tests as specified in the rules or terms of station authorization. [See 73.1870]

9. [ ] [ ] CHIEF OPERATOR DESIGNATION: Has the licensee designated a person holding a commercial radio operator license or permit to serve as the station chief operator? [See 73.1870(a & b)]

10. [ ] [ ] DESIGNATION POSTING: Is the designation in writing with a copy of the document posted or readily available? [See 73.1870(b)]

11. [ ] [ ] STATION LOG REVIEW: Does the station's chief operator review the station logs at least once each week to determine if required entries are being made? [See 73.1870(c)]

12. [ ] [ ] SIGNING STATION LOGS: Does the chief operator or a designee date and sign the logs upon completion of the weekly review of these documents? [See 73.1870(c)]

F. **STATION IDENTIFICATION:** Station identification shall be made at the beginning and ending of each period of operation, and hourly, as close to the hour as feasible, at a natural break in program offerings. The identification shall consist of the station's call letters immediately followed by the community of license. Any reference to additional communities must be made after the community of license. The name of the licensee, or the station frequency, channel number, or both, may be inserted between the call letters and community of license. No other insertion is permissible. ID announcements may be made either visually or aurally. [See 73.1201]

13. [ ] [ ] IDENTIFICATION: Is the station identification made in accordance with 73.1201?

SECTION I: Continued

G. **TOLL FREE TELEPHONE:** Each station must maintain a local or toll free telephone number within its community of license. Stations operating from studio locations outside of the community of license must make sure residents in the community have access to this number. [See 73.1125]

14. ☐ ☐ TOLL FREE NUMBER: Does the station maintain a local or toll-free telephone number in its community of license? [See 73.1125(c)]

H. **PUBLIC INSPECTION FILE:** All stations are to maintain a public inspection file. If the main studio of the station is located within the community of license, then the public file shall be located at the studio. If the station obtained a written authorization to maintain the studio outside the community of license prior to July 16, 1987, then the file may be maintained at the main studio or within the community of license (at licensees discretion). For all other stations, including combined facilities licensed to more than one community, the public file is to be maintained at any publicly accessible place within the community of license. The file shall be available for public inspection at any time during regular business hours.

Licensees must make certain that the location of the file is disclosed upon request, including telephone inquiries, and that the entire contents of the file are made available without asking the requesting party for any information or reasons pertaining to such request. If a station is concerned about documents being stolen or destroyed, then copies of required documents may be placed into the file in lieu of the originals. The contents of the file are to be made available within a reasonable time for machine reproduction upon request made in person, provided the requesting party pays the reasonable cost of reproduction. [See 73.3526 for commercial station public file rules and 73.3527 for non-commercial station public file rules]

15. ☐ ☐ FILE MAINTAINED: Does the station maintain a public inspection file in accordance with 73.3526(d) or 73.3527(d)?

16. ☐ ☐ AVAILABILITY: Is the file available for public inspection at any time during regular business hours? [See 73.3526(d) or 73.3527(d)]

17. ☐ ☐ LOCATION: Would a member of the public be correctly informed of the location of the public file upon contacting the station personnel at the main studio? [See 73.3526(d) or 73.3527(d)]

Section I: Continued

18. [ ] [ ] PHOTOCOPYING: Are copies of any material required to be in the public file available for machine reproduction upon request made in person? [See 73.3526(f) or 73.3527(f)]

19. [ ] [ ] APPLICATIONS: Does the public file contain copies of all applications, exhibits, letters, initial and final decisions in hearing cases, and other documents pertaining to the station which were filed with the Commission and which are open for public inspection at the FCC? [See 73.3526(a) or 73.3527(a)]

20. [ ] [ ] [ ] OWNERSHIP REPORTS: For station licensees who are not sole proprietorships, does the public file contain copies of annual ownership reports and supplemental ownership reports filed with the Commission, including all exhibits, letters, and other documents associated with these filings? [See 73.3526(a)(3) and 73.3527(a)(3)]

21. [ ] [ ] [ ] OWNERSHIP INFORMATION: For non-commercial stations, does the ownership information on file with the Commission reflect the current ownership (board members, officers, etc.) of this station? [See 73.3527(a)(3) and 73.3615(f)]

22. [ ] [ ] [ ] RETENTION OF OWNERSHIP REPORTS: Are ownership reports retained for seven years? [See 73.3526(e) or 73.3527(e)]

23. [ ] [ ] [ ] POLITICAL: Does the licensee have a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request was granted? [See 73.1943 and either 73.3526(a)(4) or 73.3527(a)(4)]

24. [ ] [ ] [ ] FREE POLITICAL TIME: If free time was provided for use by or on behalf of such candidates, has a record of the free time that was provided been placed into the file? [See 73.1943 and either 73.3526(a)(4) or 73.3527(a)(4)]

25. [ ] [ ] [ ] RETENTION OF POLITICAL RECORDS: Are these records retained for a period of two years? [See 73.3526(e) or 73.3527(e)]

26. [ ] [ ] [ ] EMPLOYMENT REPORTS: For stations employing five or more full time employees, has the licensee filed an annual employment report on FCC Form 395 on or before May 31 of each year and placed copies of each report in the public file? [See 73.3526(a)(5) or 73.3527(a)(5) and 73.3612]

SECTION I: Continued

27. [ ] [ ] [ ] RETENTION OF EMPLOYMENT REPORTS: Are employment reports retained for a period of seven years? [See 73.3526(e) or 73.3527(e)]

28. [ ] [ ] [ ] LETTERS FROM PUBLIC: For commercial stations, does the licensee retain all written comments and suggestions received from the public regarding operation of their station unless the writer requested that the correspondence not be made public or the licensee felt that it must be excluded because of the nature of its content, such as a defamatory or obscene letter? [See 73.1202 and 73.3526(a)(7)]

29. [ ] [ ] [ ] RETENTION OF LETTERS: For commercial stations, are all letters retained for three years from the date received? [See 73.3526(e)]

30. [ ] [ ] ISSUES-PROGRAM LISTS: Has the licensee maintained a list of programs that have provided the station's most significant treatment of community issues during the preceding calendar quarter? [See 73.3526(a)(8) or 73.3527(a)(7)]

31. [ ] [ ] FILED QUARTERLY: Was the issues-programs list filed by the tenth day of the succeeding calendar quarter (e.g. January 10, April 10, July 10, & October 10)? [See 73.3526(a)(8) or 73.3527(a)(7)]

32. [ ] [ ] NARRATIVES: Do the issues-programs lists include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment? [See 73.3526(a)(8) or 73.3527(a)(7)]

33. [ ] [ ] DESCRIPTIONS: Does the description of the programs include, at minimum, the time, date, duration and title of each program in which the issue was treated? [See 73.3526(a)(8) or 73.3527(a)(7)]

34. [ ] [ ] RETENTION OF ISSUES-PROGRAMS LISTS: Are the issues-programs lists retained for the term of the license? [See 73.3526(e) or 73.3527(e)]

35. [ ] [ ] [ ] CHILDRENS' TELEVISION - COMMERCIAL TIME LIMITS: For commercial stations, does the file include records to substantiate compliance with commercial time limits in childrens' programming? [See 73.670, 73.3526(a)(8)(ii)]

SECTION I: Continued

36. ☐ Y ☐ P ☐ N/A CHILDRENS' TELEVISION - EDUCATIONAL NEEDS: For commercial stations, does the file include records demonstrating the extent to which the licensee responded to the educational and informational needs of children in its programming? [See 73.671 and 73.3526(a)(8)(iii)]

37. ☐ Y ☐ P ☐ N/A DONOR LISTS: For non-commercial stations, does the licensee maintain a list of donors supporting specific programs? [See 73.3527(a)(8)]

38. ☐ Y ☐ P ☐ N/A RETENTION OF DONOR LISTS: For non-commercial stations, does the licensee retain such donor list(s) for a period of two years? [See 73.3527(a)(8)]

SECTION II: ANTENNA STRUCTURES

A. **ANTENNA STRUCTURES**: The construction permit, station license, or other instrument of authorization provides authority for the station to operate under a specific set of operating parameters. The licensee must thoroughly review the current station authorization and compare the listed specifications to the location, height, etc. that is actually used by this station. [See the terms of the station authorization (TSA)]

39. Y P — OVERALL HEIGHT: Does the overall height of the structure match that specified in the station authorization? [See TSA]

40. Y P — ANTENNA: Does the number and height of the antenna bays match that specified in the station authorization? [See TSA]

41. Y P — LOCATION: Does the street address and geographical coordinates of the station transmitter/tower location match exactly with the information shown on the station authorization? [See TSA]

B. **PAINTING/LIGHTING:** The station authorization specifies the painting and lighting requirements for your operation. This is shown as a set of numbers or letters which correspond to paragraphs found on FCC Form 715 or 715A. If no painting or lighting is required, then the authorization will specify "NONE" or "NONE REQUIRED". The licensee must make certain that the number and placement of paint bands and lighting match exactly with that shown on the station authorization. The licensee should also be aware of the requirement to clean or repaint tower structures as often as necessary to maintain good visibility to aircraft. [See Part 17 and TSA]

42. Y P N/A — PAINT SPECIFICATIONS: Does the painting on the tower structure(s) match the specifications in the station authorization? [See TSA]

43. Y P N/A — PAINT BANDS: Does the structure have the correct number of bands and are the top and bottom bands painted orange? [See Part 17]

44. Y P N/A — LIGHTING SPECIFICATIONS: Does the lighting on the tower structure match exactly with the specifications in the station authorization? [See TSA]

SECTION II: Continued

C. **TOWER LIGHT OBSERVATIONS:** The lighting on tower structures is to be observed at least once every 24 hours either visually or by observing an automatic indicating device; or alternatively the licensee may provide and maintain an automatic alarm system to constantly monitor the lighting on a structure. All automatic or mechanical control devices, indicators, and alarm systems are required to be inspected at intervals NOT TO EXCEED 3 months. [See 17.47]

45. Y P N/A OBSERVATIONS: Is the lighting on the tower(s) observed at least once every 24 hours either visually or by observing an automatic indicating device; or alternatively has the licensee provided and maintained an automatic alarm system? [See 17.47]

46. Y P N/A ALARM MAINTENANCE CHECKS: If utilizing an automatic alarm system, have all automatic or mechanical control devices, indicators, and alarm systems been inspected within the last 3 months? [See 17.47]

D. **FAA NOTIFICATIONS:** The licensee is to notify the nearest Federal Aviation Administration (FAA) Flight Service Station within 30 minutes of the observation of an improper functioning or extinguished top steady burning light or ANY flashing obstruction light regardless of its position on the structure. Such improper functioning beacons include non-lighted beacons as well as those that are lighted, but non-flashing. Notification is to also be made to the FAA once the beacon or steady burning top light is returned to service. Licensees should insure that the telephone number to the nearest FAA Flight Service Center is readily available and known to all personnel who would be responsible for notifying the FAA of such outages. [See 17.48]

47. Y P N/A FAA NOTIFICATION: Is the licensee and all station operators aware of the requirement to notify the nearest FAA Flight Service Station within 30 minutes of the observation of an outage AND to notify the FAA again once the outage is corrected? [See 17.48]

E. **STATION LOGS:** For all stations with authorizations that specify tower lighting, the licensee is to make entries in the station log concerning ANY observed or otherwise known extinguishment or improper functioning of ANY tower light regardless of its position on the tower. [See 17.49, 73.1213 and 73.1820(a)(1)(I)] This log must contain the following:

a. The nature of such extinguishment or improper functioning.

b. The date and time the extinguishment or improper operation was observed or otherwise noted.

c. The date, time and nature of adjustments, repairs or replacements made.

SECTION II: Continued

NOTE: If multiple licensees are on the same tower, one licensee may be designated, in writing, as primarily responsible for tower maintenance and tower related entries in the station logs. However, each licensee remains individually responsible for maintaining compliance with their own station authorization (if, for example, problems occur and are not noted by the designated licensee), and each licensee is to maintain a copy of the station logs containing tower light outages. Additionally, copies of any written agreements must be kept in the station records.

48. [ ] [ ] [ ] STATION LOGS: Does the licensee maintain a station log containing entries concerning ANY observed or otherwise known extinguishment or improper functioning of ANY tower light? [See17.49, 73.1213 and 73.1820(a)(1)(I)]

SECTION III: EMERGENCY ALERT SYSTEM (EAS)

On December 9, 1994, the Commission released a report and order which essentially moved the Emergency Broadcast System (EBS) rules of Part 73 to the newly established Emergency Alert System (EAS) rules under Part 11. This new rule part reflects the expansion of EAS into other radio services, including cable, along with establishing the move from the analog technology used in EBS to the digital technology used with EAS.

For all broadcast stations, as of July 1, 1995, all two tone decoders must be reset to decode within 3 to 4 seconds. After July 1, 1995 stations may transmit the shortened two tone attention signal for not less than eight seconds nor more than 25 seconds. As of July 1, 1996, all broadcast stations must have installed and operational EAS equipment capable of sending and receiving the digital EAS protocol. If there are any questions pertaining to the new EAS rules or to the above timetable, then please contact the Commission's EAS office at (202) 418-1220.

A. **PARTICIPATING vs. NON-PARTICIPATING:** The difference between a "Participating" and a "Non-Participating" station occurs during national level emergency activation notification (EAN) alerts. Upon receipt of an EAN the participating station will stay on the air providing necessary information while the non-participating station takes its carrier off the air. ALL stations are to install and maintain EAS equipment and participate in the weekly and monthly tests of the system. Additionally, all stations are required to monitor for state and local EAS activations. Once a state or local level activation has been received, the station management can then decide whether or not to participate further at that level. [See 11.19, 11.54, 11.55 and the EAS plan for your state]

49. [ ] [ ] PARTICIPATING: Does the management of this station know whether the station is a participating or non-participating EAS station?

SECTION III: Continued

B. **HANDBOOK/AUTHENTICATOR LIST:** All stations are to maintain an EAS Handbook and current authenticator word list. The authenticator word lists are mailed annually to all broadcast stations on file with the Commission's EAS Office. The handbook and authenticator word list are to be maintained and available at ALL normal duty operator positions. Please contact the EAS office for copies of the handbook and authenticator word list. [See 11.15 and 11.17]

50. Y P — HANDBOOK/AUTHENTICATOR LIST: Does the station have an EAS Handbook AND a current authenticator word list posted or available at EACH normal duty operator position, including all remote control and ATS points utilized during any portion of the broadcast day? [See 11.15 and 11.17]

C. **EAS DECODER/MONITOR:** Before July 1, 1995, all broadcast stations must install and maintain equipment capable of receiving the shortened 8 second EAS two-tone attention signal. Effective July 1, 1996 all broadcast stations must install equipment capable of decoding, either manually or automatically, the digitally encoded EAS protocol while monitoring at least two assigned EAS stations. This equipment must be operational during all hours of broadcast operation. Manually operated equipment must be located so that operators at their normal duty stations can be alerted immediately when EAS messages are received. Only one EAS decoder is required for combined facilities operating from one common location. All decoder devices are to be certified by the Commission in accordance with Part 15 of the Commission's rules. [See 11.31, 11.33, 11.34, 11.35 and 11.52]

51. Y P — CERTIFIED EQUIPMENT: Does the station use only certified equipment at each location utilized for EAS monitoring? [See 11.34]

52. Y P — EQUIPMENT STATUS: Is the required EAS decoding/receiving equipment currently installed and in operational condition? [See 11.35]

53. Y P N/A — INSTANTANEOUS ALERT RECEPTION: For manually operated EAS decoding equipment, is the decoder installed in a way that enables broadcast station staff to be alerted instantaneously upon receipt of an activation occurring during any portion of your broadcast operation? [See 11.52]

54. Y P — MONITORING ASSIGNED STATION: Is the EAS decoder/monitor tuned to receive EAS activations from the monitoring priorities named in the EAS Operating Handbook? [See 11.52 and the EAS Operating Handbook]

SECTION III: Continued

D. **EAS ENCODER/GENERATOR:** All TV stations operating under Part 73 are to maintain equipment capable of generating the attention signal to modulate the transmitter so that the signal may be broadcast to other receiving stations. Effective July 1, 1996, all TV stations operating under Part 73 are to have installed and operational equipment capable of transmitting the digitally encoded EAS protocol in the main audio channel. In addition, certain key parts of the message must be transmitted visually. The equipment may be installed for either manual or automatic activation of the generator. If manual activations are used, the EAS encoder must be located so that station staff, at normal duty locations, can initiate the EAS code and Attention Signal transmission. Only one generator is required at combined studio facilities. Any encoder device used for generating the EAS Attention Signal must be type accepted. [See 11.34, 11.35 and 11.51]

55. ☐ Y ☐ P ☐ N/A CERTIFIED EQUIPMENT: Does the station maintain certified equipment capable of generating the attention signal to modulate the transmitter so that the signal may be broadcast to other receiving stations? [See 11.34]

56. ☐ Y ☐ P ☐ N/A EQUIPMENT STATUS: Is the required EAS encoding/generating equipment currently installed and operational at this station? [See 11.35]

57. ☐ Y ☐ P ☐ N/A LOCATION: For manually operated equipment, is the equipment positioned where responsible broadcast staff can initiate an activation during <u>any portion of the broadcast day</u>? [See 11.51]

SECTION III: Continue

E. **ATTENTION SIGNAL:** All stations are to use only EAS encoder devices which comply with the requirements of Section 11.31 for the transmission of the two-tone attention signal. The retransmission of another off-the-air signal, the use of audio recording devices or any method other than the specified EAS encoder device for the transmission of the two-tone attention signal is prohibited until July 1, 1997. [See 11.31 and 11.52]

58. ☐ Y ☐ P ☐ N/A ATTENTION SIGNAL: Does the station use only certified EAS encoders/generators to conduct the weekly tests of the attention signal? [See 11.31 and 11.52]

F. **EAS TESTS:** All TV stations operating under Part 73 are to conduct transmission tests of the EAS attention signal a minimum of once a week at random days and times. Until July 1, 1996, these weekly tests are to be conducted between the hours of 8:30 a.m. local time and local sunset. Effective July 1, 1996, all weekly tests are to occur at random days and times, which can include any time of the day or night. In addition, tests are to be conducted once a month as coordinated by the Emergency Communications Committee for each state. The EAS weekly test is optional during the week that a monthly test is conducted. The monthly tests conducted in odd numbered months shall occur between 8:30 a.m. local time and local sunset. The monthly tests conducted in even numbered months shall occur between local sunset and 8:30 a.m. local time. [See 11.61]

59. ☐ Y ☐ P ☐ N/A CONDUCT EAS TESTS: Does the station conduct transmission tests of the EAS two tone attention signal a minimum of once a week at random days and times? [See 11.61(a)]

60. ☐ Y ☐ P ☐ N/A RECEIPT OF EAS TESTS: Did the station receive an EAS test activation during the last full calendar week? [See 11.61(a)]

SECTION III: Continue

G. **STATION LOGS:** All stations are to maintain a station log containing entries pertaining to each test of the Emergency Alert System that is received or initiated by the station. EAS test entries must be made in the station log either manually by responsible broadcast station staff, or by an automatic device. Stations may keep EAS test data in a special EAS log which can be maintained at any convenient location; however, such log must be considered a part of the official station log. It is also to contain entries which adequately describe the reason why any test activation was not received and any corrective action taken. [See 11.35(a), 11.51(l), 11.52(l), 11.61(b) and 73.1820(a)(1)(c)(iii)]

Whenever any EAS equipment becomes defective, the station may operate without the defective equipment, pending its repair or replacement, for a period not in excess of 60 days. The station must make appropriate entries into the station log showing the date and time the equipment was removed and restored to service. [See 11.35(b)]

If the station cannot restore service to the defective equipment within 60 days due to conditions beyond the control of the licensee, then the station must request an extension of this time from the Engineer-In-Charge of the area in which the station is located. Such request shall include the steps that were taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service and an estimation when the defective equipment will be repaired or replaced. [See 11.35(c)]

61. Y P STATION LOGS MAINTAINED: Does the licensee maintain a station log containing an entry of each test of the Emergency Alert System (EAS)? [See 11.51(l), 11.52(l), and 73.1820(a)(1)(c)(iii)]

62. Y P FAILURE TO RECEIVE EAS TEST: Does the station log contain appropriate entries indicating the reasons why required EAS Weekly Test Transmissions were not received? If all tests have been received and logged during the last two year period, then the appropriate response is yes "Y". [See 11.35(a)]

63. Y P EQUIPMENT OUTAGE: Does the station log contain appropriate entries documenting the date and time any EAS equipment was removed and/or restored to service? If there have been no such outages in the last two years, then the appropriate response is yes "Y". [See 11.35(b)]

SECTION IV: TECHNICAL REQUIREMENTS

A. **POWER:** All TV stations are to maintain visual transmitter output power between 80% and 110% of that authorized. The power is to be maintained as near as practicable to the station's authorized power. The aural transmitter output power shall be maintained as necessary to provide an aural carrier ERP up to, but not exceeding, 22 percent of the peak authorized visual ERP. [See 73.1560 and TSA]

In the event that it becomes technically impossible to operate at authorized power, a station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, a notification must be sent to the FCC-Mass Media Bureau no later than the 10th day. If normal power is restored prior to the expiration of the 30 day period, the licensee must notify the FCC upon restoration of normal operation.

64. Y P OPERATING POWER: Is the station operating with power levels within tolerance of the power levels authorized? [See TSA and 73.1560]

B. **DIRECT POWER MEASUREMENT - CALIBRATION:** The operating power of TV stations is normally determined by the direct method. The direct method of power determination for a TV station uses the indications of a calibrated transmission line meter located at the RF output terminals of the transmitter. The meter indicates the peak visual RF output as a percentage of the authorized value. The calibration process includes marking the meter at the upper and lower operating tolerance limits. This meter must be calibrated whenever there is any indication that the calibration is inaccurate or whenever any component of the metering circuit is repaired or replaced.

Other methods may be used to determine operating power if the direct method cannot be used (for example, in the case of a metering failure). The indirect method, appropriate for most VHF transmitters, is determined by applying an appropriate efficiency factor to the input power to the last radio-frequency power amplifier stage of the transmitter. Indications of a peak reading, calibrated transmission line wattmeter have been used for UHF stations. [See 73.664]

Licensees must make certain that all duty operators know which method of power determination is being used (and how to calculate the output power if necessary).

65. Y P POWER CALIBRATION: Has the visual transmitter reflectometer been calibrated and appropriately marked so that the operating power can be readily and accurately determined? [See 73.664, 73.1560(c)]

SECTION IV: Continued

C. **FREQUENCY:** The visual carrier frequency of a TV station may not exceed +/- 1000 Hz from that authorized. Certain stations (for example, those under precise offsets) may have a more stringent tolerance in their instrument of authorization. The aural carrier frequency may not exceed +/- 1000 Hz from the actual visual carrier frequency plus 4.5 MHZ. [See 73.1545 and TSA]

66. Y N — FREQUENCY: Is the station in compliance with the frequency tolerance specified in 73.1545 and/or TSA?

D. **MODULATION:** The total aural modulation may not exceed 100 percent on peaks of frequent reoccurrence, unless other limits are specified in an authorization. For monophonic transmissions, 100 percent modulation is defined as +/- 25 kHz deviation. For stereophonic operation and/or for operation with multiplex subcarriers, maximum limits are given in 73.682(c), and are limited to a maximum total deviation of +/- 75 kHz for all baseband components. [See 73.1570, 73.682(c), TSA]

Visual modulation shall conform to the standards shown in 73.699, Figures 6 and/or 7, and described in 73.682.

67. Y N — MODULATION: Is the station in compliance with the modulation specifications found in 73.682, 73.699 and 73.1570?

E. **TRANSMITTER METERING & CONTROL:** All stations are to maintain sufficient metering and control at all normal duty operator locations to allow the transmitter duty operator to determine compliance with power limits and to turn off the transmitter if necessary. [See 73.688 and 73.1410]

68. Y N — METERING & CONTROL: Does the station have sufficient metering and control at all normal duty operator locations to allow the transmitter duty operator to turn off the transmitter and to determine compliance with the power limits? [See 73.688 and 73.1410]

F. **SPURIOUS AND HARMONIC EMISSIONS:** Emissions from TV transmitters on frequencies in excess of 3 MHZ above and below the channel edges shall be attenuated at least 60 dB below the visual transmitted power. In certain cases greater attenuation may be required to eliminate interference. Additional emission limits for the spectrum within 3 MHZ, including the lower sideband modulation energy, are found in 73.687(a). [See 73.687(a), 73.687(e)]

69. Y N — EMISSION LIMITS: Does the transmission system comply with the emission limits found in 73.687?

SECTION V: AUTOMATED and REMOTE CONTROL POINTS

A. **AUTOMATIC TRANSMISSION SYSTEM (ATS):** Prior to commencing use of the ATS, the station chief operator, technical director, or consulting engineer shall certify in writing to the station licensee that the system has been installed, tested, and fully complies with all prescribed technical standards of the Rules applicable to the particular class of station. [See 73.1500(b)]

70. [ ] [ ] [ ] CERTIFICATION: For stations which utilize an ATS system, has a written certification been made to the station licensee that the system complies with the applicable rules? [See 73.1500(b)]

B. **REMOTE CONTROL:** Whenever a malfunction causes loss of accurate indications of the transmitter operating parameters, use of remote control must be discontinued within 3 hours after the malfunction is first detected. After this 3 hours period, the licensee shall either maintain a transmitter duty operator at the transmitter location or terminate station operation until repairs are made. [See 73.1410(e)]

71. [ ] [ ] REMOTE CONTROL: Does the station operate by remote control during any portion of the broadcast day?

72. [ ] [ ] [ ] SUFFICIENT METERING: Does the remote control equipment provide accurate indications of the transmitter operating parameters? [See 73.1410]

C. **NOTIFICATION:** Stations which utilize a remote control point or ATS monitoring and alarm point other than the main studio or transmitter location must notify the Commission in writing within 3 days of initial use of that point. Notification is not required if responsible station personnel may be contacted at the transmitter or studio site during ALL hours of operation when the remote control or ATS duty operator is elsewhere. [See 73.1400© and 73.1500(d)]

73. [ ] [ ] [ ] NOTIFICATION: Has the licensee notified the Commission in writing of the location of all remote control or ATS points other than the main studio or transmitter? [See 73.1400© and 73.1500(d)]

74. [ ] [ ] [ ] STATION RECORDS: Is a copy of this notification available in the station records?

SECTION V: Continued

D. TELEPHONE DIAL-UP CIRCUITS: Stations using telephone dial up systems for remote control of a transmitting system shall meet all of the following conditions:

1. The station is to provide dial up circuits that either **a)** remain available at all times for the exclusive use of the duty operator; or **b)** provide a means for the operator to interrupt or preempt any other telephone access to the remote control equipment at the transmitter. Alternatively, the station may employ a method, independent of the dial-up circuit, which enables the operator to turn off the transmitter.

2. The licensee shall maintain a transmitter duty operator at a fixed location who provides continuous attendance of the station. Automatic alarms and warnings of out-of-tolerance conditions that may result in interference are to be directed to the duty operator first.

3. The remote control system shall provide sufficient control and operating parameter monitoring capability to maintain compliance with the rules.

[See 73.1410 and the Commission's Public Notice "Clarification of the Commission's Rules Pertaining to Broadcast Station Transmitter Remote Control Operation" released September 12, 1988, 3 FCC Rcd 5695 (1988)] Copies of this document may be obtained by contacting the Commission's contractor for public records duplication at (202)857-3800.

NOTE: The use of remote control points other than the main studio or transmitter site is subject to the station meeting all EAS, notification, and duty operator requirements. Duty operator positions equipped with a telephone and nothing else are **NOT** considered remote control points and any such operation may be considered unattended operation.

75. ☐ ☐ DIAL-UP CIRCUITS: Does the station utilize telephone dial-up circuitry for remote control of a transmitting system?

76. ☐ ☐ ☐ CONSTANT CONTROL: Does the station provide dial up circuits that either **a)** remain available at all time for the exclusive use of the duty operator; or **b)** provide a means for the operator to interrupt or preempt any other telephone access to the remote control equipment at the transmitter; or alternatively, does the station employ a method, independent of the dial-up circuit, which enables the operator to turn off the transmitter from the duty operator location?

77. ☐ ☐ ☐ ALARM CONDITIONS: Are automatic alarms and warnings of out-of-tolerance conditions that may result in interference directed to the duty operator first?

VI. ABBREVIATIONS

AM	-	Amplitude Modulation
ANSI	-	American National Standards Institute
ATS	-	Automatic Transmission System
db	-	Decibel
EAS	-	Emergency Alert System
EBS	-	Emergency Broadcast System
EFM	-	Educational FM Station
ERP	-	Effective Radiated Power
F	-	Transmitter Efficiency Factor
FAA	-	Federal Aviation Administration
FCC	-	Federal Communications Commission
FM	-	Frequency Modulation
KHz	-	Kilohertz
MHZ	-	Megahertz
NRSC	-	National Radio Systems Committee
RF	-	Radio Frequency
RPU	-	Remote Pickup Unit
SCA	-	Subsidiary Communications Authorization
STA	-	Special Temporary Authority
TPO	-	Transmitter Power Output
TSA	-	Terms of the Station Authorization
TV	-	Television Broadcast

VII. GLOSSARY OF BROADCAST TERMS

Amplitude Modulation (AM)	*- A type of transmission used in the standard radio broadcast band at 535-1705 kilohertz.*
Antenna Proof	*- See Proof of Performance Measurements*
Authenticator Word Lists	*- This document is used for authentication purposes in conjunction with the procedures contained in the EAS handbooks. These lists are issued annually by the FCC and mailed to the last known address of each station.*
Bandwidth	*- The amount of frequency spectrum a radio signal occupies.*
EAS Attention Signal	*- An audio signal using the two tone frequencies of 853 and 960 Hz which is transmitted by an EAS station to actuate muted receivers for interstation receipt of emergency cuing announcements and broadcasts.*
EAS Handbook	*- A booklet which states in summary form the actions to be taken by station personnel upon receipt of emergency action notification, termination, or test messages. The authenticator word list is considered part of the EAS Handbook.*
EBS Checklist	*- The old name for the EAS Handbook. It was used under the EBS system.*
EAS Generator/Encoder	*- Equipment capable of generating the EAS attention signal for transmission.*
EAS Monitor/Decoder	*- Equipment capable of receiving the EAS attention signal and emergency programming transmitted by other EAS stations.*
EAS Tests	*- Tests conducted weekly by EAS stations to ensure that their EAS equipment is functioning properly.*

Equipment Performance Measurements	- *Measurements performed to determine the overall performance characteristics of a broadcast transmission system from point of program origination to sampling of signal as radiated.*
Experimental Period	- *The time between 12 midnight local time and local sunrise, used by AM broadcast stations for tests, maintenance and experimentation.*
Extension Metering	- *The meters used to provide indications of a sampled parameter of a broadcast station transmitting system. To be considered an extension meter and not a remote meter, it must be less than 100 feet from the transmitter and installed in the same building as the transmitter.*
Field Strength	- *Electric field intensity, usually measured in millivolts per meter (mV/m) or in decibels above 1 microvolt per meter (dBu).*
Frequency Modulation (FM)	- *A method of modulation where the amplitude remains constant and the frequency of the carrier wave is varied according to the modulating wave. The FM broadcast band covers 88-108 Megahertz.*
Local Marketing Agreement (LMA)	- *See Time Brokerage*
NRSC-1	- *An audio pre-emphasis standard for AM stations which was implemented June 30, 1990. The pre-emphasis generally is obtained by using special "NRSC-1-equipped" audio processing equipment or a special NRSC-1 audio "filter".*
NRSC-2	- *An emission standard for AM stations aimed at attenuating AM sideband energy beyond 10 kHz of the assigned carrier frequency. This standard was implemented June 30, 1994.*
Output Power	- *The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load. Often referred to as TPO.*

SECTION VII: Continued

Public Inspection File	*- A publicly accessible file to be maintained by broadcast stations which contains documents pertaining to the station's licensing, ownership, and operation.*
Remote Control	*- Operation by a properly designated person on duty at a control position from which the transmitter is not visible but that position is equipped with suitable controls so that essential functions can be performed.*
Spurious Emissions	*- An emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products.*
Station Authorization	*- Any construction permit, license, special temporary authority, or any other authorization issued by the FCC.*
Time Brokerage	*- Sale by a licensee of discrete blocks of time to a broker who then supplies the programming to fill that time and sells the commercial spot announcements to support it.*
Unattended Operation	*- Operation of a station by automatic means without the attention of a qualified operator.*

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APPENDIX D

LMA INTERPRETATIVE RULING

MORTON COLLEGE
LEARNING RESOURCES CENTER
CICERO, ILL.

Before the
Federal Communications Commission
Washington, D.C. 20554

DA 94-553

In the Matter of	)
	)
Petition for Issuance of	)
Interpretive Ruling	)
Concerning FCC Form 395-B,	)
Broadcast Annual Employment Report	)
	)
	)

INTERPRETIVE RULING

Issued: May 27, 1994 **Released:** May 27, 1994

By the Chief, Mass Media Bureau:

I. INTRODUCTION

1. The Mass Media Bureau has before it a petition for an interpretive ruling regarding how the employees of radio station time brokers should be reported on the FCC Form 395-B, Annual Employment Report for broadcast stations.[1] The request was filed on May 2, 1994, by the law firms of Arent, Fox, Kintner, Plotkin & Kahn; Hardy & Carey; and attorney David Tillotson (the Firms).[2] The Firms allege that there are a variety of different factual situations involving time brokerage and different ways in which employees engaged in providing brokered services could be reported. They request that the Commission issue an interpretive ruling to clarify how employees in various situations should be reported.

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[1] Time brokerage is defined in 47 C.F.R. Section 73.3555(a)(3)(iv) of the Commission's rules as "the sale by a licensee of discrete blocks of time to a 'broker' that supplies the programming to fill that time and sells the commercial spot announcements in it." A cognizable time brokerage agreement (often referred to as a "Local Marketing Agreement" or "LMA") is a time brokerage agreement between two broadcast licensees of stations whose principal community contours overlap and under which more than 15% of broadcast time per week of one station is brokered by the other station. If a brokerage agreement is entered into by (1) a licensee and a non-licensee broker or (2) between two licensees in separate markets, the agreement is not cognizable under Commission rules. See 47 C.F.R. Section 73.3555(a)(2)(i).

[2] In addition, the National Association of Broadcasters filed a Statement on May 5, 1994, in support of the Firms' petition.

II. PLEADINGS

2. The Firms describe several specific situations and ask how reports should be filed for each. In the first example, a broker is a licensee of another station in the same market as the brokered station to which the broker provides programming services. In this case, all employees are employed by the licensee-broker, but some employees' duties relate exclusively to the broker's station, some to the brokered station, and some to both stations. The Firms then analyze the merits of various reporting methods. In the second example, a broker is not a licensee of a station in the same market as the brokered station. Moreover, the broker may or may not be a Commission licensee. Again, while all employees are employed by the broker, their duties relate variably to the broker's station (in the case of licensee-brokers), the brokered station, or both. The Firms, as before, offer their analyses of various reporting methods. Finally, in a third example, the Firms ask how shared employees should be reported where stations in the same radio service are under common ownership or control in the same market, such as occurs where a licensee owns two FM stations in the same market.

III. DISCUSSION

3. In response to petitioners' request, this Interpretive Ruling sets forth general Commission policy on how to report employees on Form 395-B for broadcast stations involved in time brokerage arrangements. As a general matter, we believe that, consistent with the EEO Rule which measures licensee performance, employees hired in concert with time brokerages and LMAs should be reported on the Form 395-B submitted by the licensee that employs them. Thus, in the first example above, all employees hired and employed by the licensee-broker and whose duties include providing program services or other duties in support of the LMA should, as a general matter, be reported on the 395-B filed by the licensee-broker's station. This is because all such employees are either employed by, or under the control of, the licensee-broker. The licensee of the brokered station should file a Form 395-B for any employees it may retain or hire after commencement of the brokerage agreement.

4. In the second example above, whether the broker is a licensee or not, there is no cognizable brokerage agreement because the broker does not hold an interest in a station in the same market as the brokered station. See 47 C.F.R. Section 73.3555(a)(2)(i). However, where the broker is a licensee, the reporting requirements are, as a general matter, no different from the first example above. The licensee of the brokered station should file a Form 395-B for any employees it may retain or hire after commencement of the brokerage agreement. Similarly, the licensee-broker should file a Form 395-B for its employees. If personnel employed by the licensee-broker perform duties for both

stations, the licensee-broker should report them on its Form 395-B. If the licensee-broker employs personnel to work at the brokered station, they should also be reported on the Form 395-B for the licensee-broker's station.

5. These policies are not inconsistent with prior Commission statements in Policy Statement on Part-time Programming, 82 FCC 2d 107, 115 (1980) (Policy Statement). The Policy Statement only considered whether employees of a non-licensee time broker should be reported by licensees selling blocks of their airtime to brokers. The Commission declined to require licensees of brokered stations to report employees of a non-licensee broker as part of the EEO employment profile. Our ruling here merely indicates that, as a general matter, time brokers who are themselves licensees should report individuals under their employ, whether they work at the licensee-broker's station or a station operated by the broker under an LMA. The two rulings are, therefore, fully consistent. In addition, the Policy Statement was directed at the typical time brokerage existing in 1980, which involved the brokerage by non-licensees of short, discrete periods of broadcast time. The more common practice today is for large blocks of time or the entire programming schedule of a station to be brokered. When that practice is engaged in by a licensee-broker, we believe it generally appropriate that the licensee-broker comply with the EEO Rule and its attendant reporting obligations.

6. In accordance with the reasoning set forth in Policy Statement, if the broker is not a licensee, as in the second example above, the broker is not required to file a Form 395-B. However, we will closely watch to see that such agreements are not used to circumvent our EEO Rule and policies.

7. Turning to the third example outlined by petitioners involving the reporting of shared employees of commonly owned stations in the same radio service in the same market, current data processing technology available to the Commission does not allow for the employment profile of more than one station to be reported on the same Form 395-B except in cases involving an AM/FM combination. Therefore, if a licensee owns two FM stations or two AM stations in the same market, the licensee should file a separate report for each station, dividing employees between the stations according to their primary duties. If the duties of one or more employees involve work for both stations equally the licensee should file a Form 395-B for one station with all employees from both stations listed. It should then file a separate Form 395-B for the other station explaining that the station's employees are reported on the Form 395-B filed for the licensee's other station in the same market. We expect the licensees of multiple stations in the same market to file the Form 395-B attributing employees to the stations according to the manner in which the stations operate.

IV. CONCLUSION

8. Accordingly, **IT IS ORDERED** that this Interpretive Ruling **IS ISSUED**, to be effective upon publication in the Federal Register.[3]

9. **IT IS FURTHER ORDERED** that the May 31, 1994, due date for the filing of 1994 Form 395-B **IS EXTENDED** for those affected by this Interpretive Ruling until 30 days after publication of this Interpretive Ruling in the Federal Register. Licensees who have already filed their 1994 Form 395-B may amend them prior to that date.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

[3] See 5 U.S.C. Section 553(d)(2).

APPENDIX E

SAMPLE ISSUES/PROGRAM LIST

SAMPLE QUARTERLY ISSUES/PROGRAMS LIST

Issue	Title	Description	Time	Date	Duration
Energy--cost to consumers	Five-part series following morning and evening newscasts	The series focused on area prices charged for various heating sources as well as heating outlook for the future, how some families cope with energy bills, and energy-saving tips.	7:24 am 6:24 pm	M-F 1/4-1/8	Four min. per segment
	"Comment" interview program	Discussion of area energy price outlook with electric company executives, head of local fuel oil dealers association and director of the welfare assistance office.	9:30 am	1/17	One hour
Effect of lowered federal spending on the area	"Comment" interview program	Interview with Sen. Smith, discussing possible cutbacks in local federally funded programs and how local government and the private sector may make up the difference	9:30 am	2/7	One hour
		Interview with State Sen. Jones and Councilwoman Johnson, who discussed effect on state and local government and efforts to maintain level of service without new taxes	9:30 am	3/14	One hour
	Five-part series following morning and evening newscasts	Series examined how area communities are competing for public works funding.	7:24 am 6:24 pm	M-F 2/15-2/19	Four min. per segment

Issue	Title	Description	Time	Date	Duration
Water purity	"Comment" interview program	Discussion with representatives of a local environmental group, who enumerated specific problem areas	9:30 am	2/28	One hour
		Discussion with State Board of Health and local conservation officials.	9:30 am	3/7	One hour
	Five-part series following morning and evening newscasts	Examination of area pollution problems, how they are being treated and the effectiveness of the treatment.	7:24 am 6:24 pm	M-F 3/15-3/19	Four min. per segment

(Remember, although we have listed three issues, you should place in the public file as many issues as your station has given "significant treatment" during the preceding three months.)

APPENDIX F

CERTIFICATE OF COMPLIANCE WITH ANNOUNCEMENT REQUIREMENTS

FOR PUBLIC INSPECTION FILE: DO NOT FILE WITH THE FCC

CERTIFICATE OF COMPLIANCE WITH PRE- AND POST-FILING ANNOUNCEMENTS

(Licensee Name), licensee of television station (Call Letters) licensed to (City of License), certifies that it has broadcast pre- and post-filing announcements, on the dates and times set forth below, in compliance with 47 C.F.R. Section 73.3580 of the rules of the Federal Communications Commission.

Pre-Filing Announcements

The pre-filing announcement set forth below was broadcast on the following dates and times:

	Date	Time		Date	Time
1.	__/__/__	_____	2.	__/__/__	_____
3.	__/__/__	_____	4.	__/__/__	_____

ON (date of last renewal grant) (call letters) WAS GRANTED A LICENSE BY THE FEDERAL COMMUNICATIONS COMMISSION TO SERVE THE PUBLIC INTEREST AS A PUBLIC TRUSTEE UNTIL (expiration date).*/

OUR LICENSE WILL EXPIRE ON (date). WE MUST FILE AN APPLICATION FOR RENEWAL WITH THE FCC ON OR BEFORE (first day of fourth full calendar month prior to expiration date). WHEN FILED, A COPY OF THIS APPLICATION WILL BE AVAILABLE FOR PUBLIC INSPECTION DURING OUR REGULAR BUSINESS HOURS. IT CONTAINS INFORMATION CONCERNING THIS STATION'S PERFORMANCE DURING THE LAST (period of time covered by the application).

INDIVIDUALS WHO WISH TO ADVISE THE FCC OF FACTS RELATING TO OUR RENEWAL APPLICATION AND TO WHETHER THIS STATION HAS OPERATED IN THE PUBLIC INTEREST SHOULD FILE COMMENTS AND PETITIONS WITH THE FCC BY (first day of last full calendar month prior to the month of expiration).

FURTHER INFORMATION CONCERNING THE FCC'S BROADCAST LICENSE RENEWAL PROCESS IS AVAILABLE AT (location of the station's Public Inspection File (street, city)) OR MAY BE OBTAINED FROM THE FCC, WASHINGTON, DC 20554.

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*/ NOTE: Stations which have not received a renewal grant since the filing of their previous renewal application should substitute the following paragraph for the first paragraph in the text:

(Station's call letters) IS LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION TO SERVE THE PUBLIC INTEREST AS A PUBLIC TRUSTEE.

Post-Filing Announcements

The post-filing announcement set forth below was broadcast on the following dates and times:

	Date	Time		Date	Time
1.	__/__/__	_____	2.	__/__/__	_____
3.	__/__/__	_____	4.	__/__/__	_____
5.	__/__/__	_____	6.	__/__/__	_____

ON (date of last renewal grant) (call letters) WAS GRANTED A LICENSE BY THE FEDERAL COMMUNICATIONS COMMISSION TO SERVE THE PUBLIC INTEREST AS A PUBLIC TRUSTEE UNTIL (expiration date).*/

OUR LICENSE WILL EXPIRE ON (date). WE HAVE FILED AN APPLICATION FOR LICENSE RENEWAL WITH THE FCC.

A COPY OF THIS APPLICATION IS AVAILABLE FOR PUBLIC INSPECTION DURING OUR REGULAR BUSINESS HOURS. IT CONTAINS INFORMATION CONCERNING THIS STATION'S PERFORMANCE DURING THE LAST (period of time covered by the application).

INDIVIDUALS WHO WISH TO ADVISE THE FCC OF FACTS RELATING TO OUR RENEWAL APPLICATION AND TO WHETHER THIS STATION HAS OPERATED IN THE PUBLIC INTEREST SHOULD FILE COMMENTS AND PETITIONS WITH THE FCC BY (first day of last full calendar month prior to the month of expiration).

FURTHER INFORMATION CONCERNING THE FCC'S BROADCAST LICENSE RENEWAL PROCESS IS AVAILABLE AT (location of the station's Public Inspection File (street, city)) OR MAY BE OBTAINED FROM THE FCC, WASHINGTON, D.C. 20554.

This Certificate of Compliance was placed in the station's public inspection file on (date). This Certificate will be kept in the public inspection file for as long as the renewal application, to which it refers, is retained.

_____ (signature) _____ (title)

*/ NOTE: Stations which have not received a renewal grant since the filing of their previous renewal application should substitute the following paragraph for the first paragraph in the text:

(Station's call letters) IS LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION TO SERVE THE PUBLIC INTEREST AS A PUBLIC TRUSTEE.

APPENDIX G

PAYOLA MEMORANDUM
AND
AFFIDAVIT

MEMORANDUM TO EMPLOYEES

This Memorandum concerns Sections 317 and 507 of the Communications Act of 1934, as amended. The issuance of this memorandum does not mean that we believe that there have been infractions of the law; we simply wish to remind all personnel of their obligations under the law and under the policies adopted by the Company.

Your obligations under Sections 317 and 507, and our Company's policy, can be stated very simply:

> EVERY EMPLOYEE IS PROHIBITED FROM ACCEPTING ANY MONEY, SERVICE OR OTHER VALUABLE CONSIDERATION FROM ANY PERSON OTHER THAN THE COMPANY FOR BROADCASTING ANY MATERIAL OVER THE STATION.
>
> EVERY EMPLOYEE HAVING ANY VOICE IN THE SELECTION OF BROADCAST MATTER IS PROHIBITED FROM (a) ENGAGING IN ANY OUTSIDE BUSINESS OR ECONOMIC ACTIVITY WHICH WOULD CREATE A CONFLICT OF INTEREST IN THE SELECTION OF BROADCAST MATTER; (b) ACCEPTING ANY FAVORS, LOANS, ENTERTAINMENT OR OTHER CONSIDERATION FROM PERSONS SEEKING THE AIRING OF ANY BROADCAST MATTER IN RETURN THEREFOR; AND (c) PROMOTING OVER THE AIR (EXCEPT BY MEANS OF AN APPROPRIATE COMMERCIAL ANNOUNCEMENT) ANY ACTIVITY OR MATTER IN WHICH THE EMPLOYEE HAS A DIRECT OR INDIRECT FINANCIAL INTEREST.

Your attention is also directed to the fact that Section 507 of the Communications Act of 1934, as amended, makes it a criminal offense, subject to a fine of not more than $10,000 or imprisonment of not more than one year, or both, if any employee fails to disclose to the Company any acceptance or agreement to accept from any person other than the Company, any money, service or other valuable consideration for the broadcast of any material over the station.

Attached to this memorandum is an affidavit which you should execute after reading it and the attached copies of Sections 317 and 507 of the Communications Act of 1934, the FCC's sponsorship identification rule (Section 73.1212) and the 36 interpretations of the applicability of the sponsorship identification rules released by the Commission in May of 1963 and April of 1975.

AFFIDAVIT

I, having first been duly sworn, hereby state that I have read and will comply with the provisions of Section 317 and 507 of the Communications Act of 1934, as amended, copies of which are attached hereto. I fully understand that any person who violates Section 507 of the Act is subject to the penalties set forth in Section 507(g), consisting of a fine up to $10,000 imprisonment up to one year, or both. I also have read and will comply with the provisions of the Commission's Sponsorship Identification Rule (73.1212), a copy of which is attached hereto.

I also have read the attached FCC Public Notice of September 3, 1975 which sets forth the Commission's 36 interpretations of Section 317 and Rule 73.1212.

I also will comply with the policy of the Company to prohibit every employee having any voice in the selection of broadcast matter from (a) engaging in any outside business or economic activity which would create a conflict of interest in the selection of broadcast matter; (b) accepting any favors, loans, entertainment or other consideration from persons seeking the airing of any broadcast matter in return therefor; and (c) promoting over the air (except by means of an appropriate commercial announcement) any activity or matter in which the employee has a direct or indirect financial interest.

_____

Affiant

Subscribed and sworn to before
me this _____ day of _____,

_____
Notary Public

My commission expires:

ANNOUNCEMENT WITH RESPECT TO CERTAIN MATTER BROADCAST

SEC. 317. (a)(1) All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person: Provided, That "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.

(2) Nothing in this section shall preclude the Commission from requiring that an appropriate announcement shall be made at the time of the broadcast in the case of any political program or any program involving the discussion of any controversial issue for which any films, records, transcriptions, talent, scripts, or other material or service of any kind have been furnished, without charge or at a nominal charge, directly or indirectly, as an inducement to the broadcast of such program.

(b) In any case where a report has been made to a radio station, as required by section 507 of this Act, of circumstances which would have required an announcement under this section had the consideration been received by such radio station, an appropriate announcement shall be made by such radio station.

(c) The licensee of each radio station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program or program matter for broadcast, information to enable such licensee to make the announcement required by this section.

(d) The Commission may waive the requirement of an announcement as provided in this section in any case or class of cases with respect to which it determines that the public interest, convenience, or necessity does not require the broadcasting of such announcement.

(e) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

DISCLOSURE OF CERTAIN PAYMENTS

SEC. 507* [47 U.S.C. § 508] (a) Subject to subsection (d), any employee of a radio station who accepts or agrees to accept from any person (other than such station), or any person (other than such station) who pays or agrees to pay such employee, any money, service or other valuable consideration for the broadcast of any matter over such station shall, in advance of such broadcast, disclose the fact of such acceptance or agreement to such station.

(b) Subject to subsection (d), any person who, in connection with the production or preparation of any program or program matter which is intended for broadcasting over any radio station, accepts or agrees to accept, or pays or agrees to pay, any money, service or other valuable consideration for the inclusion of any matter as a part of such program or program matter, shall, in advance of such broadcast, disclose the fact of such acceptance or payment or agreement to the payee's employer, or to the person for whom such program or program matter is being produced, or to the licensee of such station over which such program is broadcast.

(c) Subject to subsection (d), any person who supplies to any other person any program or program matter which is intended for broadcasting over any radio station shall, in advance of such broadcast, disclose to such other person any information of which he has knowledge, or which has been disclosed to him, as to any money, service or other valuable consideration which any person has paid or accepted, or has agreed to pay or accept, for the inclusion of any matter as a part of such program or program matter.

(d) The provisions of this section requiring the disclosure of information shall not apply in any case where, because of a waiver made by the Commission under section 317(d), an announcement is not required to be made under section 317.

(e) The inclusion in the program of the announcement required by section 317 shall constitute the disclosure required by this section.

(f) The term "service or other valuable consideration" as used in this section shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast, or for use on a program which is intended for broadcasting over any radio station, unless it is so furnished in consideration for an identification in such broadcast or in such program of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property in such broadcast or such program.

(g) Any person who violates any provisions of this section shall, for each such violation, be fined not more than $10,000 or imprisoned not more than one year, or both.**

*Section 507 was formerly numbered Section 508. It was redesignated as section 507 of Public Law 96-507, 94 Stat. 2747, Dec. 8, 1980. This section was added by Public Law 86-752, 74 Stat. 889, Sept. 13, 1960.

**This section was added by Public Law 86-752, approved September 13, 1960, 74 Stat. 889.

APPENDIX H

NEWS RELEASE REGARDING RELIGIOUS BROADCASTING

NEWS
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information 202 / 632-5050
Recorded listing of releases and texts
202 / 632-0002

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974)

31029

December 17, 1992

FCC URGES END TO RUMOR REGARDING RELIGIOUS BROADCASTING

Since 1974, the Federal Communications Commission (FCC) has received over 21 million pieces of mail about a rumor that the FCC may try to stop religious broadcasting.

The rumor is FALSE. There is no petition before the FCC to ban religious broadcasting; the FCC has not initiated a proceeding to stop religious programming on radio or television; and no one (including Madalyn Murray O'Hair) has asked the FCC to try and stop religious broadcasting.

The FCC does NOT have the authority to prohibit radio and television stations from presenting religious programs. Both the First Amendment and the Communications Act prohibit the FCC from interfering with freedom of speech in broadcasting and from censoring broadcast material. The FCC cannot direct any broadcaster to either present, or refrain from presenting, announcements or programs on religion. Broadcasters, not the FCC or any other government agency, alone are responsible for selecting the programming aired on their stations.

This rumor apparently started in December 1974 when Jeremy D. Lansman and Lorenzo W. Milam filed a petition asking the FCC to inquire, among other subjects, into the operating practices of noncommercial educational broadcasting stations, including those licensed to religious educational organizations. The "Lansman-Milam petition" was DENIED by the FCC on August 1, 1975. Madalyn Murray O'Hair was never a part of this petition, nor any other petition filed with the FCC.

The FCC urges the public to ignore this rumor.

-FCC-

APPENDIX I

SCHEDULE OF REGULATORY FEES

FC PUBLIC NOTICE

64270

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet http://www.fcc.gov ftp.fcc.gov

August 5, 1996

FY 1996 Mass Media Regulatory Fees

The Federal Communications Commission issues this Public Notice in order to provide information concerning the payment of regulatory fees in 1996. If you are a licensee in any of the mass media services, you should carefully review this Public Notice.

WHO MUST PAY REGULATORY FEES IN 1996

Most licensees and other entities regulated by the Commission must pay regulatory fees in 1996. This Public Notice concerns the following Mass Media licensees: commercial AM & FM radio stations, commercial television stations, Low Power Television and television translator and booster licensees, broadcast auxiliary, FM translators and FM booster licensees, and multipoint distribution service licensees. Noncommercial educational licensees are exempt from regulatory fees as are licensees of auxiliary broadcast services such as low power auxiliary stations, television auxiliary service stations, remote pickup stations and aural broadcast auxiliary stations where such licenses are used in conjunction with commonly owned non-commercial educational stations. Emergency alert system (EAS) licenses for auxiliary service facilities are also exempt as are Instructional Television Fixed Service (ITFS) licensees. Governments and nonprofit (exempt under Section 501(c) of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but will be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental entity attesting to its exempt status. In the event that there has been a change in ownership of a system after the effective date, but before the date payment is due, responsibility for payment of the regulatory fees rests upon the new owner. A regulatee will be relieved of its fee payment requirement if its total fee due, including all categories of fees for which payment is due by the entity, amounts to less than $10.

WHY THE COMMISSION MUST COLLECT REGULATORY FEES

The requirement to collect annual regulatory fees was contained in Public Law 103-66, "The Omnibus Budget Reconciliation Act of 1993". These regulatory fees, which are likely to change each fiscal year, are used to offset costs associated with the Commission's enforcement, public information, international and policy and rulemaking activities. These fees are in addition to any application processing fees associated with obtaining a license or other authorization from the Commission.

WHEN FEES WILL BE DUE

Fee payments must be received by the Commission during the period beginning September 12, 1996 and ending September 20, 1996 in order to avoid a 25% late penalty.

FCC Form 159

Regulatory fee payments must be accompanied by FCC Form 159 ("FCC Remittance Advice"). A copy of this form, with specific instructions, is attached to this Public Notice. Please see, "Special Instructions for Completing FCC Forms 159 & 159-C" for detailed information on how to correctly complete these Forms.

WHERE TO SEND REGULATORY FEE PAYMENTS

If sending your regulatory fee payment by mail, please address your envelope as follows:

Federal Communications Commission
Regulatory Fees
P.O. Box 358835
Pittsburgh, PA 15251-5835

If you prefer to send your regulatory fee payment by courier to our lockbox bank, you may do so 24 hours per business day (except bank holidays). Please address your envelope and deliver it to the following address:

Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Room 153-2713
Pittsburgh, PA 15259-0001
(Attention: FCC Module Supervisor)

METHOD OF PAYMENT

Regulatory fee payments may be made by check, money order, or by credit card (Visa or Mastercard only). When paying by credit card; please make sure you complete block 22 and sign block 23 of Form 159. Payments may also be made by wire transfer, ACH Debit or ACH Credit. Instructions are provided below.

NOTE: We encourage arrangements to consolidate regulatory fee payments either by a single entity or by different entities into a single payment instrument. Consolidated fee payments may cover several different service categories. Multiple fee payments may be made utilizing any of the methods of payment mentioned above. Payors who will be making a single payment for a significant number of entities and wish to submit automated data submissions in lieu of a large number of FCC Forms 159-C ("Advice Continuation Sheets") may do so. Specific Instructions

regarding automated data sul mission will be issued shortly. There is no limit to the number of payment items.

WIRE TRANSFER PAYMENT INSTRUCTIONS

A wire transfer is a transaction that you initiate via your bank. It authorizes your bank to wire funds from your account to our lockbox bank, the Mellon Bank in Pittsburgh, PA. All payments made by wire transfer must be supported by a completed FCC Remittance Advice (FCC Form 159) and Advice Continuation Sheet (FCC Form 159-C), if required. The Form 159 must be faxed to Mellon Bank at (412) 236-5702 at least one hour before the wire transfer on the same business day. Indicate on the top of the FCC Form 159 "Wire Transfer - Regulatory Fee Payment." In the "Reserve Box" located at the upper left hand corner indicate "358835." **Failure to submit the completed Form 159 will result in a delay in crediting your account. Due to Federal Reserve regulations, wire transfers received after 6:00 p.m. (EST) will be credited to the next business day.**

The following information should be provided to your bank in order to complete the wire transfer:

ABA Routing Number 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/ACV--9116106
OBI Field: (Skip one space between each information item)
"REGULATORYPAY"
FCC ACCOUNT NO. (Exactly as on Form 159, Block #1)
PAYOR NAME (Exactly as on Form 159, Block #3)
Phone: (Daytime Phone #, exactly as on Form 159, Block #9)
LOCKBOX 358835

ACH DEBIT PAYMENT INSTRUCTIONS

This method involves simply calling Mellon Bank's toll-free telephone number, entering your payment via a computer terminal, or sending a CPU-CPU transmission by 8:15 p.m. (EST) of the business day before your payment is due. Mellon Bank will electronically process your payments to the FCC the next business day. A brief application form must be completed and a personal identification number (PIN) issued by the bank. This process requires 30 days advance notice. Please contact Reginia Dorsey, Chief, Billings & Collections Branch, Financial Operations Division at (202) 418-1995 for further details.

ACH CREDIT PAYMENT INSTRUCTIONS

This method requires that you contact your bank directly and authorize them to electronically transfer funds from your account directly to Mellon Bank for credit to the FCC. For specific instructions and charges, please contact your local bank. The following information should be provided to your bank in order to complete the ACH Credit transaction:

ABA Routing Number 043000261
Receiving Bank: Mellon Pittsburgh
FCC Bank Account #--9116966
Supplemental Information:
(Skip one space between each information item)
"REGULATORYPAY"
FCC PAYOR ACCOUNT NO. (Exactly as on Form 159, Block #1)
PHONE: (Daytime phone #, exactly as on Form 159, Block #9)
LOCKBOX 358835

WARNING: ACH Credit Payments normally take one to two days to post to the account of the FCC. If you elect this method of payment, you must effect your credit transaction in sufficient time to meet the due date.

COMPLIANCE

Please make sure your total remittance and the amount indicated on the form FCC 159 are in agreement. Failure to do so will delay processing. Licensees are solely responsible for accurately accounting for all licenses and for paying proper regulatory fees. Any data omission, erroneous or incomplete data submission, or payment deficiency may result in a 25% monetary penalty, dismissal of pending actions, and/or revocation of any authorization. You are strongly urged to submit your payments on time and accurately in order to avoid a penalty. Additionally, the Commission will invoke any lawful authority it may possess under the Debt Collection Act against any licensee failing to meet its regulatory fee payment obligations to collect any fees due or outstanding.

WAIVERS, REDUCTIONS AND DEFERMENTS OF REGULATORY FEES

The Commission will consider requests for waivers, reductions or deferments of regulatory fees, in extraordinary and compelling circumstances only, upon a showing that such action overrides the public interest in reimbursing the Commission for its regulatory costs. Timely submission of the appropriate regulatory fee must accompany requests for waivers or reductions. This will ensure efficient collection in situations where a waiver or reduction is not warranted and will allow the requestor to avoid a 25% late-payment penalty if its request is denied. The regulatory fee would be refunded later if the request is granted. Only in exceptional or compelling instances (where payment of the regulatory fee along with the waiver or reduction request could result in the reduction of service to a community or other financial hardship to the licensee), will the Commission accept a petition to defer payment along with a waiver or reduction request.

ADDITIONAL INFORMATION

Applicable Public Notices, and Forms 159 and 159-C are available from the Commission's Office of Public Affairs, Public Service Division and can be downloaded from the Internet (ftp@fcc.gov). Forms may also be obtained by contacting the Forms Hotline at (800) 418-3676 outside the Washington, D.C. area, or (202) 418-3676 locally. For additional information, please contact the Public Service Division at (202) 418-0192, or write to: Federal Communications

Commission, Office of Public Affairs, ATTN: Public Service Division, 1919 M Street, N.W., Washington, D.C. 20554.

FEE PAYMENT PROCEDURES FOR COMMERCIAL AM RADIO STATIONS

WHO MUST PAY: Licensees of Class A, Class B, Class C & Class D AM radio stations and holders of construction permits for new stations in the AM service whose license or permit was granted on or before October 1, 1995. AM radio station licensees who also hold auxiliary broadcast service licenses operated in conjunction with the main AM station (e.g., remote pickup stations, aural broadcast STLs, intercity relay stations and low power auxiliary stations) will also be assessed a regulatory fee for each of these stations. Governments and nonprofit (exempt under Section 501(c) of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but will be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental entity attesting to its exempt status.

Conversion Table: For those licensees of AM radio stations who may be unfamiliar with the current station class designations, we provide the following:

Old Class	New Class
Class I	Class A
Class II & III	Class B
Class II.D & II.S	Class D
Class III.D & III.S	Class D
Class IV	Class C

Fee Requirement: Fees are assessed for AM radio station licensees based upon class of station as shown. Determination of class is based upon the station's most recent granted license on or before October 1, 1995:

AM Regulatory Fee Category	Regulatory Fee	Payment Type Code
Class A Station License	$1,250	MLA6
Class B Station License	$ 690	MNA6
Class C Station License	$ 280	MRA6
Class D Station License	$ 345	MPA6
Broadcast Auxiliary Station License	$ 35	MUB6
Construction Permit for New AM Station	$ 140	MTA6

Note that an AM station licensee will be assessed $35 for each auxiliary license it holds. Holders of construction permits (CPs) for new AM stations for which a license to cover the CP had not been granted as of October 1, 1995 will be assessed a $140 fee for each permit held, regardless of station class..

FEE PAYMENT PROCEDURES FOR COMMERCIAL FM RADIO STATIONS

WHO MUST PAY: Licensees of commercial FM radio stations and holders of construction permits for new stations in the FM service whose license or permit was granted on or before October 1, 1995. FM radio station licensees who also hold auxiliary broadcast service licenses operated in conjunction with the main FM station (e.g., remote pickup stations, aural broadcast STLs, intercity relay stations and low power auxiliary stations) will also be assessed a regulatory fee for each of these stations. Governments and nonprofit (exempt under section 501(c) of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but will be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting its exempt status.

FEE REQUIREMENT: Fees are assessed for commercial FM radio station licensees based upon class of station as shown below. Determination of class is based upon the station's most recent license granted on or before October 1, 1995:

FM Regulatory Fee Category	Regulatory Fee	Payment Type Code
Class C, C1, C2 or B FM License	$1,250	MLF6
Class A, B1 or C3 FM License	$ 830	MMF6
Broadcast Auxiliary License	$ 35	MUB6
Construction Permit for New FM Station	$ 690	MNF6

Note that commercial FM station licensees will be assessed $35 for each auxiliary license it holds. Holders of construction permits (CPs) for new FM stations for which a license to cover the CP had not been granted as of October 1, 1995 will be assessed a $690 fee for each permit held, regardless of station class.

FEE PAYMENT PROCEDURES FOR COMMERCIAL VHF/UHF TV STATIONS

WHO MUST PAY: Licensees of commercial VHF and commercial UHF television stations and holders of construction permits for new stations whose license or permit was granted on or before October 1, 1995. Commercial television station licensees who also hold auxiliary broadcast service licenses operated in conjunction with the main TV station (e.g., remote pickup stations, intercity relay stations) will also be assessed a regulatory fee for each of these stations. Governments and nonprofit (exempt under section 501(c) of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but will be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting its exempt status.

FEE REQUIREMENT: Fees are assessed commercial television stations licensees based upon the size of the Nielsen DMA market in which their stations are listed in the 1995 Edition of the TV & Cable Factbook No. 63 as published by Warren Publishing. Fees will be assessed as follows:

Commercial VHF Stations:	Regulatory Fee	Payment Type Code
Markets 1-10:	$32,000	MAV6
Markets 11-25:	$26,000	MBV6
Markets 26-50:	$17,000	MEV6
Markets 51-100:	$ 9,000	MGV6
Remaining Markets:	$ 2,500	MIV6
Broadcast Auxiliary Station	$ 35	MUB6
Construction Permits:	$ 5,550	MJV6

Commercial UHF Stations:	Regulatory Fee	Payment Type Code
Markets 1-10:	$25,000	MCU6
Markets 11-25:	$20,000	MDU6
Markets 26-50:	$13,000	MFU6
Markets 51-100:	$ 7,000	MHU6
Remaining Markets:	$ 2,000	MJU6
Broadcast Auxiliary Station	$ 35	MUB6
Construction Permits:	$ 4,425	MKU6

Satellite TV Stations:	Regulatory Fee	Payment Type Code
All Markets:	$690	MSS6
Construction Permits:	$250	MCS6

Note that a commercial television station licensee will be assessed $35 for each auxiliary license it holds. Holders of construction permits (CPs) for new television stations for which a license to cover the CP had not been granted as of October 1, 1995 will be assessed $5,550 (VHF), $4,425 (UHF), or $250 (Satellite TV) for each permit held.

FEE PAYMENT PROCEDURES FOR LPTV, TV TRANSLATORS & TV BOOSTERS, FM TRANSLATORS & FM BOOSTERS

WHO MUST PAY: Holders of Low Power Television, TV translator and booster licenses, and FM translator and booster licenses whose license was granted before October 1, 1995. Governments and nonprofit (exempt under section 501(c) of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but will be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting its exempt status. Also exempted from this fee are noncommercial educational FM and full service television broadcast station licensees that hold low power television, TV translator or TV booster licenses, or FM translator or FM booster licenses issued on or before October 1, 1995, provided those stations operate on a noncommercial educational basis. We will automatically waive the regulatory fee for the licensee of any translator that: (1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from the members of the community served for support. Finally, licensees of low power television, TV translator or TV booster, or FM translator or FM booster stations whose licenses were issued on or before October 1, 1995 and which have obtained a fee refund because of a NTIA facilities grant for their station or a fee waiver because of demonstrated compliance with the eligibility and service requirements of Section 73.621 of the Commissions Rules, are similarly exempt from payment of this regulatory fee. Licensees claiming an exemption based on one of these latter criteria should not submit payment, but may be asked to document their exempt status.

FEE REQUIREMENT: Fees are assessed on a per license basis as follows:

Type of License	Regulatory Fee	Payment Type Code
Low Power Television Station, TV Translator/TV Booster	$190	MLP6

FM Translator/FM Booster	$190	MSF6

FEE PAYMENT PROCEDURES FOR MULTIPOINT DISTRIBUTION SERVICE

WHO MUST PAY: Holders of multipoint distribution service licenses whose license was granted on or before October 1, 1995. Governments and nonprofit (exempt under section 501 of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but may be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting its exempt status.

FEE REQUIREMENT: Fees are assessed on a per call sign basis as follows:

Type of License	Regulatory Fee	Payment Type Code
Multipoint Distribution Service	$155	MDS6

SPECIAL INSTRUCTIONS FOR COMPLETING FCC FORMS 159 & 159-C

FCC Form 159 ("FCC Remittance Advice") and, as necessary, FCC Form 159-C ("Advice Continuation Sheet") must accompany all regulatory fee payments. Form 159 allows payors to report information on one or more payment items (e.g., multiple FM or TV station licenses). Use Form 159-C to report additional payments.

An FCC Form 159 and a 159-C have been attached to this Public Notice for you to complete and remit with your payment. You may make additional copies of the forms as required. In addition to the instructions for Form 159 (which are on the reverse side of the Form), the following information applies specifically to mass media fee payors.

Block (12) - "FCC CALL SIGN/OTHER ID"

- All Mass Media payors must enter in this block the call sign of the station(s) for which the regulatory fee is being paid.

Block (14) - "PAYMENT TYPE CODE":

Enter the appropriate payment type code as listed below:

VHF TELEVISION STATIONS

MAV6: Use this code when paying a regulatory fee for a commercial VHF

television station in Nielsen markets 1-10 ($32,000).

MBV6: Use this code when paying a regulatory fee for a commercial VHF television station in Nielsen markets 11-25 ($26,000).

MEV6: Use this code when paying a regulatory fee for a commercial VHF television station in Nielsen markets 26-50 ($17,000).

MGV6: Use this code when paying a regulatory fee for a commercial VHF television station in Nielsen markets 51-100 ($9,000).

MIV6: Use this code when paying a regulatory fee for a commercial VHF television station in all other Nielsen markets ($2,500).

MJV6: Use this code when paying a regulatory fee for a construction permit for a commercial VHF television station ($5,550).

UHF TELEVISION STATIONS

MCU6: Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 1-10 ($25,000).

MDU6: Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 11-25 ($20,000).

MFU6: Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 26-50 ($13,000).

MHU6: Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 51-100 ($7,000).

MJU6: Use this code when paying a regulatory fee for a commercial UHF television station in all other Nielsen markets ($2,000).

MKU6: Use this code when paying a regulatory fee for a construction permit for a commercial UHF television station ($4,425).

AM RADIO STATIONS

MLA6: Use this code when paying a regulatory fee for a Class A AM radio station ($1,250).

MNA6: Use this code when paying a regulatory fee for a Class B AM radio station ($690).

MRA6: Use this code when paying a regulatory fee for a Class C AM radio station ($280)

MPA6: Use this code when paying a regulatory fee for a Class D AM radio station

($345).

MTA6: Use this code when paying a regulatory fee for a construction permit for an AM radio station ($140).

FM RADIO STATIONS

MLF6: Use this code when paying a regulatory fee for a Class C, C1, C2 or B FM radio station ($1,250).

MMF6: Use this code when paying a regulatory fee for a Class A, B1 or C3 FM radio station ($830).

MNF6: Use this code when paying a regulatory fee for a construction permit for an FM radio station ($690).

SATELLITE TELEVISION STATIONS

MSS6: Use this code when paying a regulatory fee for a satellite TV station ($690).

MCS6: Use this code when paying a regulatory fee for a construction permit for a satellite TV station ($250).

LOW POWER TELEVISION STATION, TV TRANSLATOR/BOOSTER, FM TRANSLATOR/BOOSTER

MLP6: Use this code when paying a regulatory fee for a Low Power Television station, or a television translator or television booster ($190).

MSF6: Use this code when paying a regulatory fee for an FM translator or FM booster ($190).

BROADCAST AUXILIARY STATION

MUB6: Use this code when paying a regulatory fee for a broadcast auxiliary station ($35).

MULTIPOINT DISTRIBUTION SERVICE STATION

MDS6: Use this code when paying a regulatory fee for a multipoint distribution service station ($155).

Block (15) - "QUANTITY":

- All mass media fee payors must enter "1" in this block.

Block (16) - "AMOUNT DUE":

- Enter the dollar amount associated with the corresponding Payment Type Code entered in Block (14).

Block (17) - "FCC CODE 1":

- If you are paying an AM or FM regulatory fee, enter the authorized frequency shown on your license or permit.

- If you are paying a television or Low Power Television station regulatory fee, enter the applicable channel number.

- If you are paying a TV translator, TV booster, broadcast auxiliary, FM translator, FM booster or a multipoint distribution service station regulatory fee, leave this section blank.

Block (18) - "FCC CODE 2":

- If you are paying an AM, FM, TV or Low Power Television regulatory fee, enter the name of the state and community (in that order) of licenses for the station for which the regulatory fee is being paid. Please note that this block is for state and community of license, not mailing address. Please use the appropriate two letter post office abbreviation for the state.

- If you are paying a TV translator, TV booster, broadcast auxiliary, FM translator, FM booster or a multipoint distribution service station regulatory fee, leave this section blank.

FEDERAL COMMUNICATIONS COMMISSION
INSTRUCTIONS FOR USING FCC FORM 159 (REMITTANCE ADVICE)
AND FCC FORM 159-C (Continuation Sheet)

FCC FORM 159 — FCC Remittance Advice Form

The FCC Form 159, "Remittance Advice" is a multi-purpose form that generally accompanies (see chart below for specific instructions) any payment to the Federal Communications Commission (e.g., Regulatory Fees, Processing Fees, Fines, Forfeitures, Freedom of Information Act (FOIA) Billings, or any other debt due to the FCC). The information on this form is collected to ensure credit for full payment, to expedite any refunds due and to service public inquiries.

What Form Do I File?

If you are:	Then:
Paying a Regulatory Fee to the Private Radio Bureau,	You **do not need** to submit FCC Remittance Advice, FCC Form 159. However, you must pay your regulatory fee along with your processing fee, at the time of renewal or at the time of original license application.
Paying a Processing Fee by money order or credit card to any FCC Bureau,	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee and paying for more than one action with a single payment,	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee for a service that does not require a specific FCC Form, (e.g. Request for Special Temporary Authority),	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee to the Private Radio Bureau for a service that requires FCC Form 155,	You must submit FCC Remittance Advice, FCC Form 159 instead of Form 155.
Paying a Regulatory Fee to any one of the Mass Media, Common Carrier or Cable Services Bureau,	You must submit FCC Remittance Advice, FCC Form 159.
Paying for Fines/Forfeitures, Freedom of Information Act Fees or any other debts.	All customers paying for any of these categories must submit a FCC Remittance Advice, FCC Form 159 and a copy of their notice or invoice to the appropriate lockbox. Please refer to the specific instructions accompanying your billing document.
Paying for an Auction,	You must submit FCC Remittance Advice, FCC Form 159. Consult the FCC's Public Notice for specific instructions.
Paying by wire transfer,	You must submit FCC Remittance Advice, FCC Form 159.
Paying by Western Union Quick Collect,	You must submit FCC Remittance Advice, FCC Form 159.

Specific Form Instructions

(1) **FCC Account No.** — This is a self-assigned personal identification number that consists of ten digits. You **must** use your taxpayer identification number (TIN) with a prefix of "0" (e.g., 0123456789). **Only if you do not have a TIN**, you may use your ten-digit telephone number (e.g., 3012224567). **There are no other options available to you to create your FCC Account No.** This number will eventually be all you will need to file an application with the FCC, so once you have determined your FCC account number you must be sure to use this same number every time you send a payment to the FCC.

(2) **Total Amount Paid** — Enter the total amount of your remittance.

(3) **Payor Name** — Enter the name of the person or company (i.e., maker of the check) responsible for payment. Enter an individual name (last, first, middle initial). If a company, enter the name which is used commercially. If paying by credit card, complete this section with the full name of the cardholder.

(4) **Street Address (Line 1)** — The street address or post office box number to which correspondence should be sent.

(5) **Street Address (Line 2)** — This line may be used if further identification of the address is required.

(6) **City** — The name of the city associated with the street address given in (4).

(7) **State** — If the payor has a United States mailing address enter the appropriate two-digit state abbreviation as prescribed by the U.S. Post Office. If the payor has a mailing address outside the United States, leave this section blank.

(8) **ZIP Code** — Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Post Office. If address is foreign, enter the appropriate ZIP (postal) code.

(9) **Daytime Telephone Number** — Enter the payor's ten-digit daytime telephone number, including area code. For foreign telephone numbers include the appropriate country dialing access code, as if you were calling from the United States. [For example a United Kingdom number would have the prefix (011-44) followed by the number within the UK.] This daytime telephone number should tell us where you can be reached during normal business hours if necessary. If we cannot reach you at this number during normal business hours to resolve a problem, your filing may be returned.

(10) **Country Code** — This section is for those payors who have an address outside the United States of America. Enter the appropriate code here. To obtain country code information contact the Mailing Requirements Dept. of the U.S. Postal Service.

Read this before proceeding — IT MAY SAVE YOU TIME

If the Applicant, Licensee, Regulatee or Debtor is the same as the Payor, it is not necessary to reenter your name and address in blocks 11, 13, 19, 20, & 21. However, you must complete all information in blocks 12, 14, 15, & 16. (FCC codes in blocks 17 & 18 will only be completed in special circumstances as described in a Public Notice or in your Fee Filing Guide).

(11) **Name of Applicant, Licensee, Regulatee or Debtor** — Enter the name (last, first, middle initial) as it appears on the original application or filing being submitted. If this is a company, enter name which is used commercially. Each unique applicant licensee, regulatee or debtor must be listed separately if multiple applications or filings are submitted. If this name is the same as the payor, (block 3), it is not necessary to fill out this section.

(12) **FCC Call Sign/Other Identifier** — Enter an applicable call sign or unique FCC identifier, if any, as prescribed by the appropriate FCC Fee Filing Guide or Public Notice that applies to you.

(13) **ZIP Code** — It is not necessary to complete this section if the Payor, (block 3), is the same as the Applicant, Licensee, Regulatee or Debtor (block 11). Enter the five or nine-digit ZIP code prescribed by the U.S. Post Office. If address is foreign, enter the appropriate country code here.

(14) **Payment Type Code** — This section tells us what you are paying for. Beginning with the first box, enter the correct 3 or 4 character alphabetic Payment Type Code. This code can be found in the FCC Fee Filing Guide or Public Notice appropriate to your payment. **Incorrect Payment Type Codes may result in your application or filing, if applicable, being returned to you without further processing.** You are allowed to file multiple actions. There are three ways "multiple actions" are defined. The following examples provide instructions on how multiple actions should be filed when using FCC Forms 159 & 159-C:

(i) If a single service allows for a quantity of more than one of the same action, as defined in the appropriate Fee Filing Guide or Public Notice complete only blocks 12, 13, 14, 15 & 16. Only

enter your name and address if different than "Payor Name" (block 3). Blocks 17 & 18 are only to be completed when required by Public Notice.

(ii) If you are filing concurrent actions (not the same actions) in the same lockbox, on the same application, refer to the Fee Filing Guide or Public Notice for specific instructions as to the number of quantities allowed. Complete only blocks 12, 13, 14, 15, & 16. Complete a separate "Item Information" section for each additional action required. Only enter your name and address if different than the "Payor Name" (block 3). Blocks 17 & 18 are only to be completed when required by public notice.

(iii) If a single Remittance Advice is used to pay for more than one applicant, licensee, regulatee or debtor, and action to the same lockbox, then a separate "Item Information" section must be completed for each one. For each "Item Information" section all blocks must be completed, except Blocks 17 & 18 which are only to be completed when required by Public Notice. **Remember, if any of these applications fall into category (i) or (ii) above, you must follow those instructions as well.**

15) **Quantity** — Enter the number of actions required with this submission. Refer to the FCC Fee Filing Guide or Public Notice for information concerning multiple requests.

16) **Amount Due** — Enter the amount of the fee required for the Payment Type Code used in (14) above.

17) **FCC Code 1** — This section is used for special filing codes as required by the Bureau/Office you are filing your application with. Applicant will receive specific instructions from the Bureau/Office if this block is to be used. Do not complete this block unless instructed to do so.

(18) **FCC Code 2** — (See instructions for item 17).

(19, 20, 21) **Address** — If the same as Payor address, in blocks (4) and (5), leave blank. If multiple payment codes have been used for the same Applicant, Licensee, Regulatee or Debtor, only fill out this section one time. If different from Payor Address, in blocks (4) and (5), complete these lines with the appropriate street address.

(22) **Credit Card Data** — If remitting payment by credit card place an "x" in the appropriate block for the type of credit card being used — MasterCard or Visa only. Enter your credit card number and expiration date. **If any area required for credit card approval is incomplete the application will be returned unprocessed.**

(23) **Authorized Signature** — Sign and date the Remittance Advice Form to authorize all credit card payments. **The action will not be processed if it is not signed and dated here.**

FCC Remittance Advice Continuation Sheet (FCC Form 159-C) — Use this form for any additional services pertaining to this filing.

Checks must be denominated in U.S. currency and deposited in a U.S. financial institution. No checks drawn on a foreign bank will be accepted.

Where Do I File?

If you are paying a:	Then:
Regulatory Fee or Processing Fee	Consult the specific FCC Bureau Fee Filing Guide (i.e., Common Carrier Bureau Fee Filing Guide, Private Radio Bureau Fee Filing Guide, Mass Media Bureau Fee Filing Guide, Cable Services Bureau Fee Filing Guide, Field Operations Bureau Fee Filing Guide, Office of Engineering and Technology Fee Filing Guide)
Fine or Forfeiture	Pay to the address designated on the notice or invoice you received
Freedom of Information Act Fee	Pay to the address designated on the invoice you received
Other Debts	Pay to the address designated in the correspondence you received

Note: Fee Filing Guides can be obtained by calling Forms Distribution — 202/632-FORM

MORTON COLLEGE
LEARNING RESOURCES CENTER

(RESERVED)

FEDERAL COMMUNICATIONS COMMISSION

FCC REMITTANCE ADVICE

oved by OMB
3060-0589
Expires 2/28/97

PAGE NO. 1 OF _____

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER | Did you have a number prior to this? Enter it. | (2) TOTAL AMOUNT PAID (dollars and cents) $

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

(4) STREET ADDRESS LINE NO. 1

(5) STREET ADDRESS LINE NO. 2

(6) CITY | (7) STATE | (8) ZIP CODE

(9) DAYTIME TELEPHONE NUMBER (Include area code) | (10) COUNTRY CODE (if not U.S.A.)

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR | FCC USE ONLY

(12A) FCC CALL SIGN/OTHER ID | (13A) ZIP CODE | (14A) PAYMENT TYPE CODE | (15A) QUANTITY | (16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 $

(17A) FCC CODE 1 | (18A) FCC CODE 2

(19A) ADDRESS LINE NO. 1 | (20A) ADDRESS LINE NO. 2 | (21A) CITY/STATE OR COUNTRY CODE

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR | FCC USE ONLY

(12B) FCC CALL SIGN/OTHER ID | (13B) ZIP CODE | (14B) PAYMENT TYPE CODE | (15B) QUANTITY | (16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 $

(17B) FCC CODE 1 | (18B) FCC CODE 2

(19B) ADDRESS LINE NO. 1 | (20B) ADDRESS LINE NO. 2 | (21B) CITY/STATE OR COUNTRY CODE

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

☐ Mastercard EXPIRATION DATE: Month Year

☐ Visa

(23) **I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.**

AUTHORIZED SIGNATURE DATE

See public burden estimate on reverse.

FCC FORM 159
April 1994

NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT

Section 9 of the Communications Act authorizes the FCC to request the information on this form. The information requested is required to recover costs incurred in carrying out its enforcement activities, policy and rulemaking activities, user information services, and international activities. The form will be used primarily to capture paper information in order to speed the refund process and maintain required accounts receivable information. It will also be used to collect fines and debts due the Commission.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, DC 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0589), Washington, DC 20503.

FEDERAL COMMUNICATIONS COMMISSION

Approved by OMB
30€ ~ 0589
Expires 2/28/97

ADVICE (CONTINUATION SHEET)

PAGE NO. _____ OF _____

ITEM #___ INFORMATION

FCC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY
FCC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
				$
FCC CODE 1		FCC CODE 2		
ADDRESS LINE NO. 1	ADDRESS LINE NO. 2)		CITY/STATE OR COUNTRY CODE	

ITEM #___ INFORMATION

FCC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY
FCC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
				$
FCC CODE 1		FCC CODE 2		
ADDRESS LINE NO. 1	ADDRESS LINE NO. 2)		CITY/STATE OR COUNTRY CODE	

ITEM #___ INFORMATION

FCC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY
FCC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
				$
FCC CODE 1		FCC CODE 2		
ADDRESS LINE NO. 1	ADDRESS LINE NO. 2)		CITY/STATE OR COUNTRY CODE	

ITEM #___ INFORMATION

FCC ACCOUNT #	NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY
FCC CALL SIGN/OTHER ID	ZIP CODE	PAYMENT TYPE CODE	QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
				$
FCC CODE 1		FCC CODE 2		
ADDRESS LINE NO. 1	ADDRESS LINE NO. 2)		CITY/STATE OR COUNTRY CODE	

FCC FORM 159-C
April 1994

APPENDIX J

SEXUAL HARASSMENT POLICY

Sample Policy Statement On Sexual Harassment

It is the policy of Station KEEO that all of our employees should be able to enjoy a work atmosphere free from all forms of discrimination, including sexual harassment.

Sexual harassment infringes on an employee's right to a comfortable work environment, and is a form of misconduct which undermines the integrity of the employment relationship. No employee—male or female—should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Sexual harassment does not mean occasional compliments of a socially acceptable nature. Sexual harassment refers to conduct which is offensive to the individual, which harms morale, and which interferes with the effectiveness of our business.

Such conduct is prohibited. This includes repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal abuse of a sexual nature; explicit or degrading verbal comments about another individual or his or her appearance; the display of sexually suggestive pictures or objects; or any offensive or abusive physical conduct. It also includes the taking of or refusal to take any personnel action on the basis of an employee's submission to or refusal of sexual overtures. No employee should so much as imply that an individual's "cooperation" will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.

The station *will* take immediate disciplinary action against any employee engaging in sexual harassment. Such action may include, depending on the circumstances, suspension, demotion or discharge.

Any questions regarding this policy should be addressed to _____.
Any employee who believes that he or she has been the victim of sexual harassment, or who has any knowledge of that kind of behavior, is urged to report such conduct immediately to _____.

APPENDIX K

UNATTENDED OPERATION RULES

§73.1230 Posting of station license.

(a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such a manner that all terms are visible at the place the licensee considers to be the principal control point of the transmitter.

(b) Posting of the station license and any other instruments of authorization shall be done by affixing them to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

11. A new Section 73.1300 is added to read as follows:

§73.1300 Unattended station operation.

Broadcast stations may be operated as either attended (where a designated person is responsible for the proper operation of the transmitting apparatus either at the transmitter site, a remote control point or an ATS control point) or unattended (where highly stable equipment or automated monitoring of station operating parameters is employed). No prior FCC approval is required to operate a station in the unattended mode. Regardless of which method of station operation is employed, licensees must employ procedures which will ensure compliance with Part 11 of this chapter, the rules governing the Emergency Alert System (EAS).

12. A new Section 73.1350 is added to read as follows:

§73.1350 Transmission system operation.

(a) Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization.

(b) The licensee must designate a chief operator in accordance with §73.1870. The licensee may designate one or more technically competent persons to adjust the transmitter operating parameters for compliance with the technical rules and the station authorization.

(1) Persons so authorized by the licensee may make such adjustments directly at the transmitter site or by using control equipment at an off-site location.

(2) The transmitter control personnel must have the capability to turn the transmitter off at all times. If the personnel are at a remote location, the control system must provide this capability continuously or must include an

alternate method of acquiring control that can satisfy the requirement of paragraph (d) of this section that operation be terminated within 3 minutes.

(c) The licensee must establish monitoring procedures and schedules for the station and the indicating instruments employed must comply with §73.1215.

(1) Monitoring procedures and schedules must enable the licensee to determine compliance with §73.1560 regarding operating power and AM station mode of operation, §73.1570 regarding modulation levels, and, where applicable, §73.1213 regarding antenna tower lighting, and §73.69 regarding the parameters of an AM directional antenna system.

(2) Monitoring equipment must be periodically calibrated so as to provide reliable indications of transmitter operating parameters with a known degree of accuracy. Errors inherent in monitoring equipment and the calibration procedure must be taken into account when adjusting operating parameters to ensure that the limits imposed by the technical rules and the station authorization are not exceeded.

(d) In the event that a broadcast station is operating in a manner that is not in compliance with the technical rules set forth elsewhere in this Part or the terms of the station authorization, and the condition is not listed in paragraph (e) of this section, broadcast operation must be terminated within three hours.

(1) Examples of conditions that require termination of operation include excessive power or excessive modulation.

(2) Additional examples for AM stations are any mode of operation not specified by the station license for the pertinent time of day or hours of operation and any condition of antenna parameters or monitoring points out of the tolerances specified elsewhere in this part or by the station's instrument of authorization. For these conditions, operation must be terminated within three minutes unless antenna input power is reduced sufficiently to eliminate any excess radiation.

(3) For AM stations using directional arrays, additional procedures apply when array operating parameters are at variance, monitoring points exceed specified limits, or authorized directional mode capability is lost. See §§73.62, Directional antenna system tolerances; 73.158, Directional antenna monitoring points; and 73.1680(b), Emergency antennas.

(e) If a broadcast station is operating in a manner that is not in compliance with one of the following technical rules, operation may continue if the station complies with relevant alternative provisions in the specified rule section.

(1) AM directional antenna system tolerances, *see* §73.62;

(2) AM directional antenna monitoring points, *see* §73.158;

(3) TV visual waveform, *see* §73.691(b).

(4) Reduced power operation, *see* §73.1560(d);

(5) Reduced modulation level, *see* §73.1570(a);

(6) Emergency antennas, *see* §73.1680.

(f) The transmission system must be maintained and inspected in accordance with §73.1580.

(g) Whenever a transmission system control point is established at a location other than at the main studio or transmitter, notification of that location must be sent to the FCC in Washington, D.C. within 3 days of the initial use of that point. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation.

(h) The licensee must ensure that the station is operated in compliance with Part 11 of this chapter, the rules governing the Emergency Alert System (EAS).

13. Section 73.1400 is revised to read as follows:

§73.1400 Transmission system monitoring and control.

The licensee of an AM, FM or TV station is responsible for assuring that at all times the station operates within tolerances specified by applicable technical rules contained in this Part and in accordance with the terms of the station authorization. Any method of complying with applicable tolerances is permissible. The following are typical methods of transmission system operation:

(a) *Attended Operation:* Attended operation consists of ongoing supervision of the transmission facilities by a station employee or other person designated by the licensee. Such supervision may be accomplished by either:

(1) Direct supervision and control of transmission system parameters by a person at the transmitter site: or.

(2) Remote control of the transmission system by a person at the main studio or other location. The remote control system must provide sufficient transmission system monitoring and control capability so as to ensure compliance with §73.1350.

(3) A station may also be monitored and controlled by an automatic transmission system (ATS) that is configured to contact a person designated by the licensee in the event of a technical malfunction. An automatic transmission system consists of monitoring devices, control and alarm circuitry, arranged so that they interact automatically to operate the station's transmitter and maintain technical parameters within licensed values.

(4) A hybrid system containing some remote control and some ATS features is also permissible.

(5) In the case of remote control or ATS operation, not every station parameter need be monitored or controlled if the licensee has good reason to believe that its stability is so great that its monitoring and control are unnecessary.

(b) *Unattended operation:* Unattended operation is either the absence of human supervision or the substitution of automated supervision of a station's transmission system for human supervision. In the former case, equipment is employed which is expected to operate within assigned tolerances for extended periods of time. The latter consists of the use of a self-monitoring or ATS-monitored and controlled transmission system that, in lieu of contacting a person designated by the licensee, automatically takes the station off the air within three hours of any technical malfunction which is capable of causing interference.

APPENDIX L

EXPANDED AM ALLOTMENT PLAN

		Current Freq. (kHz)	New Freq. (kHz)
KWFM	Tuscon, AZ	940	1640
KWHN	Fort Smith, AR	1320	1650
KZOK	Seattle, WA	1590	1660
WAMJ	South Bend, IN	1580	1620
WAOK	Atlanta, GA	1380	1650
WBIT	Adel, GA	1470	1690
WCHQ	Camuy, PR	1360	1660
WCMQ	Miami Springs, FL	1210	1700
WDDD	Johnson City, IL	810	1690
WEUP	Huntsville, AL	1600	1700
WGIV	Charlotte, NC	1600	1660
WGOD	St. Thomas, VI	1090	1640
WGYJ	Atmore, AL	1590	1620
WHWH	Princeton, NJ	1350	1680
WJDM	Elizabeth, NJ	1530	1660
WJRZ	Toms River, NJ	1550	1620
WKRG	Mobile, AL	710	1660
WKSH	Sussex, WI	1370	1640
WKTP	Jonesborough, TN	1590	1680
WKZQ	Myrtle Beach, SC	1520	1620
WLVW	Salisbury, MD	960	1670
WMIB	Marco Island, FL	1480	1660
WONX	Evanston, IL	1590	1700
WPMH	Portsmouth, VA	1010	1650
WPTX	Lexington Park, MD	920	1690
WQSN	Kalamazoo, MI	1470	1660
WRCC	Warner Robins, GA	1600	1670
WRDW	Augusta, GA	1480	1630
WREN	Topeka, KS	1250	1660
WRRA	Frederiksted, VI	1290	1620
WSFN	Muskegon, MI	1600	1680
WSVA	Harrisonburg, VA	550	1700
WSYD	Mount Airy, NC	1300	1640
WTAW	College Station - Bryan, TX	1150	1620
WTDY	Madison, WI	1480	1670
WTRY	Troy, NY	980	1640
WVMI	Biloxi, MS	570	1640
WWHL	Cocoa, FL	1350	1640
WXTO	Winter Garden, FL	1600	1680
WZNN	Rochester, NH	930	1700

Stations Identified for Migration to AM Expanded Band

		Current Freq. (kHz)	New Freq. (kHz)
KAHI	Auburn, CA	950	1700
KALT	Atlanta, TX	900	1610
KAPR	Douglas, AZ	930	1690
KAST	Astoria, OR	1370	1700
KBLU	Yuma, AZ	560	1660
KBNA	El Paso, TX	920	1680
KBRF	Fergus Falls, MN	1250	1680
KBTN	Neosho, MO	1420	1670
KCFI	Cedar Falls, IA	1250	1650
KCJJ	Iowa City, IA	1560	1630
KCOL	Fort Collins, CO	1410	1680
KCRC	Enid, OK	1390	1640
KDDR	Oakes, ND	1220	1700
KECN	Blackfoot, ID	690	1620
KFVR	Cresent City, CA	1310	1690
KHPY	Moreno Valley, CA	1530	1670
KHRT	Minot, ND	1320	1620
KHTE	Redding, CA	600	1670
KHVN	Fort Worth, TX	970	1630
KIDR	Phoenix, AZ	740	1700
KJCK	Junction City, KS	1420	1620
KKEL	Hobbs, NM	1480	1670
KKLS	Rapid City, SD	920	1650
KLOQ	Merced, CA	1580	1680
KLXX	Bismark/Mandan, ND	1270	1640
KMLB	Monroe, LA	1440	1680
KNBA	Vallejo, CA	1190	1630
KNRB	Fort Worth, TX	1360	1700
KOJY	Costa Mesa, CA	540	1650
KOQO	Clovis, CA	790	1640
KPHP	Lake Oswego, OR	1290	1640
KQKE	Soledad, CA	700	1620
KQWB	Fargo, ND	1550	1660
KRCX	Roseville, CA	1110	1660
KRGI	Grand Island, NE	1430	1690
KRIZ	Renton, WA	1420	1620
KRKS	Denver, CO	990	1660
KRZI	Waco, TX	1580	1660
KSHY	Fox Farm, WY	1530	1630
KSLM	Salem, OR	1390	1680
KSOS	Brigham City, UT	800	1670
KSTR	Grand Junction, CO	620	1690
KSVE	El Paso, TX	1150	1630
KSVP	Artesia, NM	990	1650
KTKK	Sandy, UT	630	1650
KTMT	Phoenix, OR	880	1650
KURV	Edinburg, TX	710	1640

APPENDIX M

EMERGENCY ALERT SYSTEM
HELPFAX

NAB BROADCASTERS HELPFAX

Document #2500
Number of Pages: 5

THE NEW FCC EMERGENCY ALERT SYSTEM

A Summary of Broadcaster Requirements and Timetables

DECEMBER 1995

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Introduction

For nearly 45 years, broadcasters have provided emergency alerts for their local audiences. The current Emergency Broadcast System ("EBS") and its predecessor, the "CONELRAD" system (established in 1951), had been developed and refined periodically to deliver warnings to Americans throughout the country.

While first designed to give the President access to broadcast audiences during national emergencies, over the years the EBS has been used instead — and extensively — for the delivery of local and regional emergency information. The FCC's authority to adopt emergency alerting mechanisms is found in the Communications Act and also is established by Executive Order of the President.

For over six years the Commission has been exploring new options for updating the EBS. Starting first with its receipt of an NAB petition for rule making (urging the adoption of a shorter — from 22 seconds down to eight seconds — "EBS" two-tone attention signal), the Commission now has completed inquiry and rule making proceedings addressing a wide range of emergency alerting issues and concerns. The FCC also conducted certain "field tests" of emergency warning equipment and software.

In December, 1994, the Commission released the full text of its decision and new rules that will govern broadcasters' move from the current EBS system to the new Emergency Alert System ("EAS").

As described in more detail, below, the EAS requirements will be "phased in" over the next several years. In addition to broadcaster participation, the new EAS will involve the participation of cable television systems. (Indeed, the FCC currently is exploring the concept of imposing EAS requirements on Multipoint Distribution Service systems, Satellite Master Antenna Television Systems and telephone companies offering "video dial tone" service.)

NAB worked to minimize burdens on broadcasters during this transition (including our successful recommendation that the Commission adopt a waiver system for stations that may not be able to afford new equipment). Also, most observers view the move to a more efficient and effective emergency warning system as being part of advancing broadcasting from analog to digital technology, which NAB long has supported.

Also, NAB was instrumental in urging the Commission to initiate a new, related rule making designed to eliminate the requirements for attended technical operation at broadcast stations. Although the FCC earlier had proposed to automate the new EAS, NAB urged the Commission to adopt a more global "unattended operation" policy that would apply to the entirety of station operation, not just to EAS. Effective December 1, 1995, the Commission deleted the requirement for attended technical station operation and the requirement for an operator to hold a Restricted Radiotelephone Permit (ôRPô). (For details, see *HelpFax* #8888)

Below are details on the Commission's "final" rules for the new EAS.

Basics of the New System

Broadcasters' participation in the new EAS is much along the lines of past broadcaster participation in the current EBS. But, the new EAS will be different in several ways.

The EAS will be principally a "digital" system. It will require the use of standard "protocols" for sending messages. These digital messages will provide information concerning the nature, location and timing of the emergency alert. This information can be useful to stations — regardless of whether their approach to EAS uses automation or "human intervention" — in determining which alerts to air locally.

Unlike the "daisy chain-based" EBS, the new EAS will rely upon "multiple source monitoring" (less prone to breakdown due to a single relay failure). The new EAS will allow automated and remote control operation and will involve only a monthly "on-air" test. (Weekly tests will be "unobtrusive" to the listening or viewing public.) Also, the new EAS (and standard EBS after July 1, 1995) will use a shorter eight-second two-tone attention signal.

The new EAS equipment and system will enable alerts to be issued, on a "station

choice" basis, in a language other than English; moreover, special provisions are made in the EAS rules for cable television for meeting the needs of both hearing-impaired and visually-impaired persons. Additionally, the FCC has adopted rules prohibiting the "false use" of EAS codes and the two-tone attention signal.

Non-Participating Stations

As in the old EBS Rules, the FCC has defined a type of station called Non-participating National ("NN") station. These stations will be those that have elected not to participate in the National level EAS and must obtain an authorization letter from the Commission to that effect. Upon activation of National level alert, an NN station must broadcast an EAS alert message — including the appropriate announcement from the EAS Handbook (discussed below) — then stop operating (i.e. go off the air). NN stations are still required to comply with all EAS rules, except those regarding National alerts. As with all stations, NN stations may transmit State and Local Area emergency messages at any time, and without prior FCC notice.

EAS Conversion Timetable

The FCC now requires that an entire operational area convert to EAS operations at the same time. Stations must work with their local officials to develop a new EAS Operational Area Plan, then file that plan with the FCC. Once the FCC approves the plan, all stations (and cable systems) in that operational area can implement EAS.

By July 1, 1995, all stations should have modified their EBS decoders to be capable of responding to a shortened eight-second, two-tone signal; on January 1, 1997, EAS encoders and decoders must be in use.

Although FCC rules require EAS encoders and decoders to be used as of January 1,1997, they also require use of the current two-tone attention signal decoder until January 1,1998. This is a precautionary measure to ensure that stations have a working backup system while any bugs are worked out in their new EAS equipment. **Note:** As discussed below, EAS encoders are not required for Class D FM and low power TV ("LPTV") stations or FM or TV translators. Decoders are required for all stations.

New Equipment

All broadcast stations — commercial and noncommercial — will be required to have EAS *decoders*. All broadcast station licensees, except for LPTV facilities and 10 watt noncommercial ("Class D" stations), will be required to have equipment capable of encoding the EAS codes (*see* discussion of EAS "standard protocols" below) installed in the broadcast station "programming chain," *i.e.* at the transmitter, studio or control locations.[1] If "manual interrupt" will be relied upon (*see* further discussion on automated operation, below), encoders will have to be located so that station staff can initiate the EAS code and attention signal transmission at normal duty locations.

All EAS decoders *must* have, among other things, the following capabilities:

- automatic override for national (Presidential) messages;
- a means to decode EAS messages either automatically or manually;
- audio inputs for two EAS monitoring assignments and one data input to receive another transmission mode;
- a means to store, internally or externally, at least two minutes of audio or text messages and at least 10 preselected event and originator code combinations;
- the ability to display any valid EAS message codes received to show the originator, event, location, valid time period of the message and the local time the message was transmitted; and
- the capability to receive selectively the originator, event and location codes.

An EAS encoder, used by EAS participants to originate EAS alerts by creating the EAS codes for transmission to other EAS participants and the public, must possess certain mandatory characteristics. It must have, among other requirements:

- an automatic override for national (Presidential) EAS messages;
- a means to select either automatic or manual operation to transmit EAS message codes;
- at least one audio input and one audio output for transmitting "received," or "on-site produced" audio alerts and codes;
- at least one data input and one data output for transmitting "received," or "on-site" digital alerts and codes; and
- the ability to address specific geographic areas.

Television stations must be able to transmit a visual message automatically, which will include the originator, the event, location and valid time period of the message. The Commission has set no standard for the visual test, to allow stations maximum flexibility. If the message is a video crawl, it must be displayed at the *top* of the screen or where it will not interfere with other video messages. For FM stations, especially those which will play a key role in the community, region or state, the FCC says that it is encouraging, but not requiring, the transmission of EAS codes on subcarriers, including 57 kHz using the Radio Broadcast Data System ("RBDS") standard. (*See* discussion below on using RBDS as part of the EAS.)

All EAS encoders and decoders must contain security measures to ensure that there will be no unauthorized personnel changing preselected codes.

Where broadcast stations are co-owned and co-located, with a combined studio or control facility, only one set of EAS equipment will be required for the combined facility.

The Shortened EBS Tone — And Getting Help for Modifying Current EBS Gear

By July 1, 1995, stations should have EBS gear at the station that can be activated through use of a shortened — down to as few as eight seconds — emergency attention tone.

Station engineers should have modifed their existing EBS encoders/decoders to incorporate a shortened two-tone signal without the need to obtain a new FCC equipment authorization for their

[1] See discussion, below, however, on the FCC's acknowledgement that stations facing financial difficulties can seek waiver of the EAS equipment requirements

equipment. They must, however, ensure that their equipment can decode the shortened, eight-second tone in as little as 3-4 seconds.

Modifying an EBS encoder/decoder to handle a shorter tone typically involves replacing a capacitor and/or resistor in a timing circuit, and sometimes cutting a circuit board trace or adding a jumper wire. For complete details about how to modify a particular piece of equipment, station engineers should contact the manufacturer.

At right is a list of the manufacturers of the most widely used *existing EBS* equipment. They can be contacted regarding the modification of existing gear so that it will be activated with a shortened two-tone signal. The FCC has now authorized the use of a shorter EBS test script as well. Using the eight-second tone with the shortened script reduces the length of an EBS test to 30 seconds. For a copy of the Public Notice descibing the shortened script, call NAB Science & Technology at (202) 429-5346. Ask for packet G495.

Testing Procedures and Timetables

Weekly tests under the new system will last for 8.55 seconds, and consist only of a digital data burst. Monthly tests will consist of the weekly data bursts plus an eight-second (minimum) two-tone attention signal, and some message text to be developed by each State Emergency Communications Committee. The weekly test need not be performed during the week that the monthly test is conducted.

The "unobtrusive" weekly tests can be performed at any time. However, the monthly tests — using the audible tone, i.e. — are to be scheduled by the State Emergency Communications Committee and must be conducted between 8:30 a.m. and local sunset in odd numbered months, and between local sunrise and 8:30 a.m. in even-numbered months. These requirements take effect January 1, 1997.

Standard Communications Protocols

The EAS message consists of a digital "header," an attention signal, an audio or text message and an "end of message" ("EOM") code. The digital codes will be transmitted by using audio frequency shift keying ("FSK") tones. The structure of the digital codes is similar to that of the "WRSAME" system employed by the National Weather Service Weather Radio operation.

Multiple Source Monitoring

To increase reliability and to avoid some of the drawbacks of the old EBS "daisy chain" system, the EAS will involve an additional source of emergency messages. As of January 1, 1997, broadcast stations will be required to monitor two information sources.

The FCC will be relying on state and local EAS plans to prescribe monitoring assignments. These plans, to be developed by State Emergency Communications Committees, will be reviewed by the Commission to see if they are workable and if they comply with the EAS rules.

Broadcasters should consult their State Emergency Communications Committee. If you aren't sure who to contact, call the FCC's EAS (formally EBS) office (202-418-1220) and they will help you contact with your state's EAS chairperson.

Provisions for Foreign Language Audiences

The Commission has decided that stations which normally broadcast in languages other than English may send the actual EAS alert in their primary language. A provision regarding such non-English language stations should be made in the Local Emergency Communications Committee plans that will be developed by the local and state emergency authorities.

Authenticator Word Lists

As in the past, the Commission will be issuing "authenticator word lists" designed to ensure that the National level alerts and tests are legitimate. The FCC's forthcoming EAS *Operating Handbook* will explain the functions of these lists and how broadcasters should consult these lists when they receive a national level alert or test signal.

Automation and Unattended Operation

Each broadcast station will be able to elect whether to use automatic or manual operation to send and receive EAS alerts. EAS equipment also may be operated by remote control.

FCC rules require that when EAS gear is in "automatic mode" it must provide full interruption of programming and provide transmission of EAS messages. "Automatic interrupt" also must trigger the transmission of required tests and alerts regarding any "preselected state and local area emergencies." (A station can "program" its EAS gear to look for alerts regarding a specific geographic area — *e.g.* the station's primary service area — and/or alerts of a specific

TFT	GORMAN REDLICH	McMARTIN[2]
TFT, Inc. 3090 Oakmead Village Drive Santa Clara, CA 95051	Gorman Redlich Mfg. Co 257 West Union Street Athens, OH 45701	Goodrich Enterprises, Inc. 11435 Manderson Street Omaha, NE 68164
ATTN: Darryl Parker	ATTN: Jim Gorman	ATTN: Charles Goodrich
(800) 347-3383	(614) 593-3150	(402) 493-1886

[2]McMartin is no longer in business. However, Mr. Charles Goodrich of Goodrich Enterprises worked for McMartin for over 20 years. He can provide expert assistance with McMartin EBS equipment modifications.

The standard protocols for EAS messages are:

EAS Transmission Protocol for Monthly On-Air Tests & Actual Emergencies

Preamble & EAS Header	Audio Attention Signal	Message	Preamble & EAS End of Message
4.71 seconds	8-second min. 25-second max.	unlimited duration	3.84 seconds
37 bytes of digital data (520.83 baud), followed by a one-second pause, repeated three times*	two-tone signal 853 & 960 Hz	audio, video or text of unlimited duration followed by a one-second pause	eight bytes of digital data (520.83 baud), followed by a one-second pause, repeated three times*

EAS Transmission Protocol for Weekly Unobstrusive Tests

Preamble & EAS Header	Preamble & EAS End of Message
4.71 seconds	3.84 seconds
37 bytes of digital data (520.83 baud) followed by a one-second pause, repeated three times*	eight bytes of digital data (520.83 baud) followed by a one-second pause, repeated three times*

* Digital data must be transmitted using Audio Frequency Shift Keying at a rate of 520.83 bits per second. Mark frequency (digital "1" value) is 2083.3 Hz and space frequency (digital "0" value) is 1562.5 Hz. The duration of each bit must be 1.92 milliseconds.

nature, *e.g.* floods, hurricanes, tornados, etc.) The FCC notes that automatic operation may be used when "less experienced personnel are on duty," to react to preselected, specific emergency alerts.

The FCC emphasizes the obvious — that "automatic mode" must be used when a station operates "unattended." For station unattended technical operation, see *HelpFax* #8886.

Manual operation of EAS will require station personnel to be alerted to the message, to read the message displayed on the EAS decoder and to decide whether to retransmit the message. Because EAS equipment will offer a visual display of the nature of the alert (including the location, type and originator of the alert), the station employee will be able to make his/her decision more quickly and knowledgeably than under the current system. Station personnel will be able to distinguish between "tests" and "actual activations" without waiting until the voice message begins.

When using remote control, and when "manual operation" of EAS is involved, an EAS decoder must be located at the remote control location and must directly monitor the signals of the two assigned EAS sources. If direct monitoring of the assigned EAS sources is not possible at the remote location, then "automatic operation" of EAS is required. However, if automatic operation is used, the remote control location nonetheless may be used to "override" the transmission of an EAS alert, if personnel at the remote location determine that such an alert need not be broadcast.

System Costs and Waiver Opportunities

While the Commission is requiring stations to purchase new EAS equipment, the FCC has pointed out that stations will be able to use most of the "peripheral" connections that they now use with existing EBS gear. The FCC estimates that mid-range EAS systems (decoder & encoder) will retail for $1,500 to $2,500, and that lower-cost equipment should also be available. Mass production should reduce these costs — a particularly desirable result, especially for small stations.

Parenthetically, the FCC observes that the two-tone EBS devices put into place during the late 1970s are nearing the end of their reliable lifetime, and that if a broadcaster had to purchase replacement EBS equipment, the replacement costs would be comparable to the costs for new digital EAS equipment.

Also, the FCC states its expectation that the "operating expenses" for the new EAS will be lower than that required for the current EBS. The basis for this view is that automated and remote control options can be used to reduce personnel costs.

Nevertheless, the FCC acknowledges that in the past it has granted waivers of the EBS requirement on a case-by-case basis. The Commission says it will continue this practice of granting waivers in "appropriate circumstances" upon a showing of need. Any waiver request must be made in writing to the FCC's EAS Office. (The address is: EAS Office, Compliance and Information Bureau, FCC, Washington, D.C. 20554.) The request must contain at least:

- justification for the waiver, with reference to the particular rule sections FOOT 4 for which a waiver is sought;[3]
- information about the financial status of the station, such as a balance sheet and income statement for the previous two years (audited, if available);
- the number of other entities (stations, cable systems, etc.) that serve the station's coverage area and that are expected to install and employ new EAS equipment; and
- the likelihood (such as proximity or frequency) of hazardous risks to the requesting station's audience.

Cable Television Role in Emergency Alerts

Though the FCC still is exploring the degree to which smaller cable systems will be required to participate in the EAS, one of the significant differences between the existing EBS and the new EAS is that the latter will involve cable television operators. While the concept of cable participating in the EAS system generally is a good one, there are several aspects to the Commission's EAS/cable plan that — unless changed — could lead to serious problems when EAS comes on line in 1997.

For one, the FCC's EAS rules would *require* cable systems, during national alerts, to interrupt all video channels — those carrying cable networks, local origination cable channels, distant signals *and local television stations* — with a "momentary" video interruption and an audio override of longer duration. The FCC would *allow* cable systems to do so during regional/local alerts. The video and audio interruption/override message would tell viewers to turn to a particular cable channel for EAS information.

The EAS alert information originated on cable would be only audio and textual visual information. However, at the same time as the cable message, local television stations might be providing additional, more up-to-date information, including on-the-spot, electronic newsgathering coverage of the emergency event. Thus, the FCC's EAS scheme would result in situations where cable subscribers are deprived of the superior and more timely emergency-related information being provided by local television stations. Also, there have been cases already where local stations' emergency information has been deleted — in favor of cable-originated emergency information — under the provisions of local cable franchise agreements.

NAB has expressed its view to the Commission that such deletions of local stations are at odds with the provisions of several federal statutes and with the overall communications policy of having local stations' programming accessible to the citizens that stations are licensed to serve. Also, NAB is working with FCC staff to develop a set of FCC policies that — prior to the inauguration of the EAS — would reduce, if not eliminate, the likelihood that local stations' emergency messages — issued under EAS or as part of special news/weather programming — would be inaccessible to local cable subscribers.

Prohibition of False or Deceptive Codes

Because of the Commission's concern over possible misuse of the EAS attention signal and EAS codes, the FCC has adopted a new rule specifically prohibiting anyone from transmitting the EAS two-tone attention signal or any of the new special codes for false or deceptive purposes. Such use would be considered a "false distress communication" and would be subject the offender to severe Commission penalties, including steep FCC fines.

Using RBDS For EAS

In its new rules, the FCC does not require any stations to transmit emergency alert information via the Radio Broadcast Data System (RBDS). RBDS is a protocol for 1200 baud data transmission via the 57 kHz FM subcarrier.

FM stations that are transmitting RBDS information may transmit emergency alerts using this technology. However, they are still required to transmit the same audio band alert information that other stations must carry.

It is RBDS technology that provides the means for emergency alert signals to turn on receivers from their "off" position. This capability has been heavily promoted by both the FCC and the press. It is important to note, however, that this capability is *not* a required feature of the new Emergency Alert System. It is also important to note that, even when stations are transmitting RBDS alert information, an RDS[4] receiver will not automatically come on from the "off" position *unless* it has been put in the RDS mode. In other words, listeners will be able to disable the "automatic turn-on" feature of RBDS alerts by switching their receivers out of RDS mode.

Several manufacturers are expected to incorporate emergency alerting features into their RBDS equipment.

Where To Purchase Equipment

EAS equipment capable of meeting the entirety of the Commission's new EAS rules is not yet available; but manufacturers indicate they should be shipping product soon. Many companies plan to roll out new equipment at NAB '96.

Wher To Get More Information

Station managers are urged to work with their chief engineers and contract engineers in planning for EAS conversion. It is recommended that station engineering personnel review a complete copy of the Commission's EAS decision, including the detailed FCC rules. Also, state broadcaster associations will be able to help stations keep informed on the development and refinement of state emergency plans.

The FCC says it soon will be issuing a new *EAS Operating Handbook*, which will replace the old *EBS Checklist*. Stations can contact the FCC EAS Office at: 202-418-1220.

NAB will provide frequent updates to this NAB *HelpFax* memo on the new EAS rules. Also, NAB members are free to contact the NAB Science and Technology Department (202-429-5346) and the NAB Legal Department (202-429-5430) if they have questions on the technical and/or regulatory aspects of the new EAS or would like a copy of an FCC synopsis of its decision and a complete copy of the new EAS rules.

Again, we recommend that stations obtain a copy of the FCC's EAS decision and, particularly, the entirety of the new EAS rules. As discussed at the end of this *HelpFax* memo, NAB members can contact our Science and Technology Department for a complete copy of the new EAS rules themselves, along with a two-page FCC synopsis of its 130-page decision text and appendices.

"RBDS" is the name of the technology and refers to the industry standard adopted in the United States. "RDS" (Radio Data System) is the term that will most likely be used on receivers marketed to consumers. Generally, these terms are used interchangeably.

APPENDIX N

PROPOSED DTV TABLE OF ALLOTMENTS

DRAFT DTV TABLE OF ALLOTMENTS

This appendix presents the draft DTV Table of Allotments. We emphasize that this table may differ significantly from the final DTV Table, depending on which principles are ultimately used to generate the table and the results of any broadcaster negotiated settlements. The table allots a DTV channel to each eligible existing broadcaster, with eligibility determined by the proposed allotment principles, and existence established by presence in the FCC TV Engineering Data Base dated May 13, 1996. Technical parameters needed for calculation of the tabulated engineering quantities were taken from the same engineering data base.

ERP and Antenna Height

The tabulated value of effective radiated power (ERP) for DTV operation was calculated to replicate NTSC coverage. It is the maximum, over a set of uniformly spaced compass directions, of the ERP values required to extend noise-limited DTV coverage as far as the grade B contour of the NTSC station. This maximum is shown in the column entitled "DTV POWER."

To determine the ERP that will approximately replicate NTSC coverage in each specific direction, the distance to the existing grade B contour was first determined from information in the engineering data base, including directional antenna data, and from terrain elevation data at points separated by 3 arc-seconds of longitude and latitude. FCC curves (47 CFR §73.699) were applied in the usual way, as described in 47 CFR §73.684, to find this grade B contour distance. The replicating ERP for DTV was then calculated by a further application of FCC curves, with noise-limited DTV coverage defined as the presence of field strengths of 26.8, 31.8 and 43.8 dBμ respectively for low VHF, high VHF and UHF, at 50% of locations and 90% of the time. The specified field strengths can be calculated from the data given in Appendix A. They include an allowance of 4 dB (lowband VHF) and 1 dB (highband VHF) for electrical noise external to TV receivers.

The column entitled "ANTENNA HEIGHT" gives the height of the transmitting antenna above average terrain as found in the engineering data base for the particular station. This value represents the height above terrain of the radiation center of the station being replicated, averaged from 3.2 to 16.1 kilometers (2 to 10 miles) over 8 evenly spaced radials. In a few cases, the value found in the engineering data base is unrealistically low or negative, and the height above ground or other reasonable value has been substituted.

Evaluation of Service and Interference - Digital Television During Transition

Under the heading "DIGITAL TELEVISION SERVICE DURING TRANSITION," prospective conditions are evaluated in terms of both area and population. The values

tabulated under this heading are net values: service area is the area where the desired signal is above the DTV noise threshold less the area where service receives interference from other DTV or NTSC stations. Similarly, the number of people served is the population receiving an adequate signal relative to noise excluding people in areas with interference.

Levels of interference are calculated as desired-to-undesired (D/U) ratios, and these levels must be above certain threshold values for acceptable service. The threshold values used to prepare the table in this appendix are those tabulated for the Grand Alliance System in Appendix A.

The procedure used to identify areas of service and interference is the following:

- Elements of area in a large rectangle centered at the desired transmitter are examined to determine whether the propagated signal is above the noise level for reception. The elemental areas are 1 square kilometer in size. Propagation predictions are made using the Longley-Rice point-to-point propagation model Version 1.2.2 taking into consideration the station's directional transmitting antenna, if any, and the transmitting antenna's height above average terrain along the pertinent radial. The desired signal is set equal to the value predicted for 50% of locations, 90% of the time.

- If the element of area has an adequate signal, the interfering signal levels from neighboring stations are similarly evaluated with Longley-Rice. Interfering signals are set equal to the values predicted for 50% of locations and 10% of the time so that we will be making a worst-case comparison.

- Finally, if the undesired signal arrives off-axis, it is reduced by an amount determined by a gain pattern assumed for the receiving system antenna.

Computer code for the Longley-Rice point-to-point radio propagation model is published in an appendix of NTIA Report 82-100, *A Guide to the Use of the ITS Irregular Terrain Model in the Area Prediction Mode*, authors G.A. Hufford, A.G. Longley and W.A. Kissick, U.S. Department of Commerce, April 1982. Some modifications to the code were described by G.A. Hufford in a memorandum to users of the model dated January 30, 1985. With these modifications, the code is referred to as Version 1.2.2 of the Longley-Rice model.

Evaluation of Service and Interference - Existing NTSC

Under the heading "EXISTING NTSC," current conditions in NTSC services are evaluated along with the effects of new interference from DTV. Calculations of new interference assume that all DTV stations in the allotment table come on the air. The additional interference is evaluated in terms of both area and population with results expressed as percentages of the area and population inside the respective grade B contours.

The areas tabulated under the subheading "SERVICE," are net values calculated by subtracting areas receiving interference from the area inside each station's grade B contour. Here the only interference under consideration is that from other NTSC stations actually on the air. Similarly, the number of people currently served is the population inside the grade B

contour less the number of people in interference areas.

The effects of introducing DTV, evaluated as percentages of the reference conditions, are presented under the subheading "INTERFERENCE." Interference issues are discussed in the Further Notice at paragraphs 33, 40-41.

The procedure used to identify areas of service and interference for NTSC is the same as outlined for DTV with the following changes due to the change in type of desired station:

- In each element of area, the desired signal level is set equal to the value predicted for median conditions, that is, 50% of both locations and time by the Longley-Rice model. (50% of locations, 90% of time was used in the procedure outlined for DTV.) Elements of area are dropped from consideration if this desired signal level falls below the values established for NTSC grade B field strength contours in 47 CFR §73.683 (these are 47, 56 and 64 dBμ respectively in the low VHF, high VHF and UHF bands).

- Interference between VHF NTSC stations is deemed to exist when the D/U ratio falls below the threshold values of -3 dB, 28 dB and -13 dB respectively for lower adjacent, co-channel and upper adjacent channel relationships. For example, the most favorable ratio of the three, -13 dB, applies if the desired station is on channel 7 and the interference is on channel 8.

- Interference between UHF NTSC stations on co- and adjacent channels is determined by the same D/U ratios used for VHF, and the criteria used for taboo channel interference are presented below.

Taboo Channel Relationship	NTSC-NTSC D/U Ratio (dB)
-2	-26.0
-3	-33.0
-7	-30.0
-8	-32.0

Taboo Channel Relationship	NTSC-NTSC D/U Ratio (dB)
+2	-29.0
+3	-34.0
+4	-23.0
+7	-33.0
+8	-41.0
+14	-25.0
+15	-9.0

The NTSC-to-NTSC ratios used for interference evaluation were determined by FCC staff

observers at the Advanced TV Test Center during the tests of digital systems. All values are threshold-of-visibility (TOV) observations, except the co-channel value of 28 dB which is the precise offset value corresponding to impairment rating 3 according to the Advanced TV Evaluation Laboratory in Canada. No observations were made for channel differences of -5, -4 and +5, and no calculations were made for these taboos when evaluating NTSC-to-NTSC interference.

Percentage Match

A single column under the heading "DTV / NTSC AREA MATCH" shows the degree to which the allotment table has succeeded in providing each NTSC station with a DTV channel for replication of service during the transition. The area which will receive DTV service is divided by the area now served by the NTSC channel, and the result is presented as a percentage. This percentage is never larger than 100% because DTV service areas outside the current grade B are ignored in this view of the consequences of the table. The areas receiving NTSC and DTV service are determined by subtracting interference areas from the area inside the NTSC station's grade B contour in the same way as service and interference are determined for the preceding columns.

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
AK ANCHORAGE	2	51	5011.9	219.0	28607	265	28907	265	0.0	0.0	99.0
AK ANCHORAGE	4	23	478.6	55.0	10968	256	10912	256	0.0	0.0	100.0
AK ANCHORAGE	5	21	4897.8	250.0	30785	266	30730	266	0.0	0.0	100.0
AK ANCHORAGE	7	16	1258.9	238.0	22498	264	22456	265	0.0	0.0	100.0
AK ANCHORAGE	9	15	436.5	366.0	22176	265	22184	265	0.0	0.0	100.0
AK ANCHORAGE	11	14	79.4	91.0	10270	250	10259	250	0.0	0.0	99.9
AK ANCHORAGE	13	17	2511.9	238.0	26028	265	25978	265	0.0	0.0	100.0
AK ANCHORAGE	33	32	0.3	160.9	1208	212	1175	212	0.0	0.0	100.0
AK BETHEL	4	16	8.5	61.0	5648	7	5629	7	0.0	0.0	100.0
AK DILLINGHAM	2	11	16.2	305.0	33890	4	33677	4	0.0	0.0	100.0
AK FAIRBANKS	2	44	123.0	200.0	6744	77	6670	77	0.0	0.0	100.0
AK FAIRBANKS	9	5	1.1	152.0	13637	78	13637	78	0.0	0.0	100.0
AK FAIRBANKS	11	13	0.4	51.2	4966	76	4966	76	0.0	0.0	100.0
AK JUNEAU	3	34	1.3	78.9	2195	27	2155	27	0.0	0.0	100.0
AK JUNEAU	8	9	0.1	33.0	3096	27	771	25	0.0	0.0	100.0
AK KETCHIKAN	9	17	436.5	366.0	22177	17	22184	17	0.0	0.0	100.0
AK NORTH POLE	4	28	436.5	485.0	30801	79	30801	79	0.0	0.0	100.0
AK SITKA	13	4	0.1	47.2	2148	8	1132	8	0.0	0.0	100.0
AL ANNISTON	40	32	50.0	268.0	11669	378	10175	341	6.9	4.1	99.4
AL BESSEMER	17	28	50.0	266.0	11776	230	11231	217	2.4	1.1	100.0
AL BIRMINGHAM	6	50	3259.4	420.0	36695	1617	34673	1552	0.0	0.0	96.9
AL BIRMINGHAM	10	11	6.7	404.0	29996	1453	28693	1431	0.3	0.3	98.3
AL BIRMINGHAM	13	55	1543.3	408.0	33313	1557	29388	1466	0.0	0.0	100.0
AL BIRMINGHAM	42	30	127.6	421.0	22518	1240	21298	1212	6.2	4.8	99.8
AL BIRMINGHAM	68	46	66.9	314.0	16145	1087	15107	1046	0.0	0.0	100.0
AL DEMOPOLIS	41	40	101.5	333.0	15658	122	15551	122	2.3	2.7	100.0
AL DOTHAN	4	39	3917.7	573.0	49542	827	44737	767	0.0	0.0	99.9
AL DOTHAN	18	24	50.0	223.0	12995	280	12953	280	4.6	1.7	100.0
AL DOZIER	2	48	5000.0	210.0	27038	479	22027	298	0.0	0.0	100.0
AL FLORENCE	15	18	69.0	223.0	11962	260	11868	259	1.6	0.8	100.0
AL FLORENCE	26	22	50.0	230.0	11631	250	10822	237	1.3	0.7	100.0
AL FLORENCE	36	20	50.0	221.0	12478	261	12231	259	0.5	0.1	100.0
AL GADSDEN	44	17	79.7	303.0	13141	620	12307	532	2.4	1.6	99.4
AL GADSDEN	60	38	364.1	352.0	16145	1194	15315	1165	1.0	0.9	100.0
AL HOMEWOOD	21	14	50.0	408.0	19022	1180	18302	1083	0.9	0.4	99.5
AL HUNTSVILLE	19	57	68.0	533.0	22865	824	22461	811	0.4	0.2	99.9
AL HUNTSVILLE	25	24	56.3	352.0	17395	692	16731	676	0.7	0.3	100.0
AL HUNTSVILLE	31	29	56.4	546.0	22523	820	21667	798	2.6	2.8	99.7
AL HUNTSVILLE	48	27	60.5	579.0	23851	856	22563	819	1.8	1.7	100.0
AL HUNTSVILLE	54	34	141.6	515.0	20515	743	19681	725	2.0	1.2	99.8
AL LOUISVILLE	43	42	334.8	275.0	14970	270	15003	270	2.1	0.5	99.6
AL MOBILE	5	47	3917.7	581.0	49343	1306	49322	1309	0.0	0.0	99.4
AL MOBILE	10	9	6.3	381.0	31924	1010	30550	998	0.0	0.0	100.0

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
AL MOBILE	15	26	411.9	521.0	23245	984	23125	984	3.3	4.9	100.0
AL MOBILE	21	17	50.0	436.0	16080	818	16045	816	0.6	0.2	100.0
AL MOBILE	42	41	50.0	183.0	11879	549	11674	540	0.8	0.2	100.0
AL MONTGOMERY	12	16	1751.9	610.0	45198	920	41793	863	0.0	0.0	100.0
AL MONTGOMERY	20	36	50.0	226.0	11994	358	11783	357	2.0	0.5	99.7
AL MONTGOMERY	26	25	52.2	183.0	12513	370	12465	369	0.9	0.2	99.8
AL MONTGOMERY	32	31	365.7	545.0	28376	528	28051	526	3.8	4.1	100.0
AL MONTGOMERY	45	53	50.0	308.0	12435	370	12183	368	0.4	0.1	100.0
AL MOUNT CHEAHA	7	52	1780.8	610.0	43162	1984	38412	1739	0.2	0.1	99.8
AL OPELIKA	66	18	50.0	207.0	11787	483	11201	473	0.0	0.0	99.8
AL OZARK	34	23	50.0	142.0	8730	227	8681	226	1.3	0.6	99.9
AL SELMA	8	29	1588.6	515.0	40428	674	35703	626	4.0	3.8	100.0
AL TROY	67	51	65.5	592.0	20443	454	19953	452	0.0	0.0	99.2
AL TUSCALOOSA	33	39	50.0	165.0	11004	278	10618	274	5.2	9.6	99.9
AL TUSKEGEE	22	15	415.5	610.0	34650	1138	31996	1016	0.3	0.1	99.2
AR ARKADELPHIA	9	15	1541.1	326.0	29266	375	24604	317	0.0	0.0	100.0
AR EL DORADO	10	28	1757.2	605.0	45253	663	31775	510	0.0	0.0	100.0
AR FAYETTEVILLE	13	18	1726.2	506.0	37446	718	31585	634	0.0	0.0	100.0
AR FAYETTEVILLE	29	28	62.1	270.0	13768	285	13254	281	2.8	1.3	99.9
AR FORT SMITH	5	46	4017.2	384.0	30929	586	29032	537	0.0	0.0	97.3
AR FORT SMITH	24	17	153.8	317.0	13619	370	13979	383	1.7	3.0	93.6
AR FORT SMITH	40	39	224.5	610.0	21407	307	19467	290	1.3	0.4	99.8
AR HOT SPRINGS	26	27	374.9	275.0	15191	412	13630	223	1.4	0.3	100.0
AR JONESBORO	8	35	1593.1	533.0	41047	675	37003	625	0.7	2.1	99.7
AR JONESBORO	19	20	53.1	311.0	16315	226	16275	226	1.9	0.6	100.0
AR JONESBORO	48	49	115.9	305.0	18169	265	18032	262	1.4	0.5	100.0
AR LITTLE ROCK	2	32	3883.7	543.0	46831	1003	39788	960	0.0	0.0	99.7
AR LITTLE ROCK	4	47	3776.4	503.0	44402	1006	41814	978	0.0	0.0	99.2
AR LITTLE ROCK	7	22	1740.2	591.0	43593	974	40044	946	0.0	0.0	100.0
AR LITTLE ROCK	11	12	8.2	521.0	38769	956	35554	923	0.0	0.0	99.9
AR LITTLE ROCK	16	19	412.8	539.0	26931	875	26516	867	3.4	1.4	99.4
AR LITTLE ROCK	42	41	270.0	156.0	14820	607	14743	606	4.8	3.9	99.1
AR MOUNTAIN VIEW	6	45	3600.4	424.0	39050	549	31332	362	0.0	0.0	99.5
AR NEWARK	17	26	50.0	162.0	3697	54	3506	51	0.9	0.3	100.0
AR PINE BLUFF	25	14	227.7	182.0	11316	578	10622	568	0.1	0.0	100.0
AR PINE BLUFF	38	30	386.9	593.0	26243	804	25438	788	0.7	1.1	100.0
AR ROGERS	51	52	50.0	143.0	6975	231	6424	224	0.0	0.0	100.0
AZ FLAGSTAFF	2	49	3860.6	488.0	36662	165	40825	196	0.0	0.0	89.5
AZ FLAGSTAFF	4	36	5000.0	115.0	15123	81	13801	83	0.0	0.0	93.6
AZ FLAGSTAFF	13	16	1568.5	474.0	30513	157	27353	128	0.0	0.0	100.0
AZ GREEN VALLEY	46	47	414.6	618.0	24697	734	21206	721	0.5	0.0	99.5
AZ KINGMAN	6	47	4496.1	585.0	30677	116	37599	113	0.0	0.0	78.5
AZ MESA	12	25	1676.3	543.0	33522	2225	31187	2221	0.0	0.0	99.9

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
AZ NOGALES	11	14	1635.2	507.0	27461	682	24894	681	0.0	0.0	99.7
AZ PHOENIX	3	29	3913.7	542.0	38362	2234	40185	2234	0.0	0.0	92.7
AZ PHOENIX	5	42	3910.9	539.0	37353	2231	39713	2234	0.0	0.0	92.1
AZ PHOENIX	8	17	1674.0	536.0	33879	2225	31886	2223	0.0	0.0	99.8
AZ PHOENIX	10	24	1712.2	558.0	34073	2225	31756	2215	0.0	0.0	99.8
AZ PHOENIX	15	23	50.0	521.0	15884	2198	15087	2181	1.9	1.1	100.0
AZ PHOENIX	21	22	67.1	489.0	18262	2207	17454	2202	0.5	0.3	100.0
AZ PHOENIX	33	32	145.1	521.0	18021	2199	17342	2192	0.0	0.0	100.0
AZ PHOENIX	45	44	186.8	545.0	23272	2218	21166	2183	0.0	0.0	100.0
AZ PHOENIX	61	35	164.4	541.0	20560	2217	19301	2205	0.0	0.0	100.0
AZ PRESCOTT	7	14	50.0	856.0	18520	165	17194	133	0.0	0.0	99.8
AZ TOLLESON	51	52	413.1	535.0	26057	2220	24325	2216	0.0	0.0	100.0
AZ TUCSON	4	31	1061.0	1100.0	40650	702	47824	813	0.0	0.0	81.1
AZ TUCSON	6	48	1091.6	1106.0	38527	671	40390	738	0.0	0.0	86.4
AZ TUCSON	9	20	472.5	1134.0	36033	696	34008	704	0.0	0.0	98.9
AZ TUCSON	13	16	1687.3	622.0	33525	767	26960	732	0.0	0.0	100.0
AZ TUCSON	18	19	167.3	600.0	18412	690	16824	685	1.2	0.1	99.5
AZ TUCSON	27	26	50.0	175.0	3377	626	2943	618	1.3	0.1	100.0
AZ TUCSON	40	41	89.5	619.0	15813	673	15008	672	0.0	0.0	100.0
AZ YUMA	11	19	1735.1	493.0	35290	233	33386	232	0.0	0.0	100.0
AZ YUMA	13	16	1575.4	475.0	28335	231	26495	230	0.0	0.0	100.0
CA ANAHEIM	56	38	249.7	728.0	21850	12051	21220	11492	0.1	0.2	98.4
CA ARCATA	23	22	50.0	510.0	11327	111	10480	97	0.0	0.0	100.0
CA AVALON	54	31	417.2	372.0	27380	9257	25592	7179	0.0	0.1	100.0
CA BAKERSFIELD	17	54	374.6	427.0	16007	531	15854	499	0.1	0.1	99.7
CA BAKERSFIELD	23	31	132.2	1128.0	20337	568	19797	564	0.2	0.0	99.7
CA BAKERSFIELD	29	12	3.2	1137.0	19813	556	14498	466	0.1	0.0	100.0
CA BAKERSFIELD	45	42	411.0	404.0	16943	586	16480	540	0.2	0.0	100.0
CA BARSTOW	64	44	219.0	518.0	17278	677	16091	659	0.0	0.0	99.7
CA CERES	23	22	50.0	47.0	1417	346	1417	346	9.6	3.5	100.0
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
CA CHICO	24	4	1.0	564.0	23058	359	21026	347	0.6	3.4	100.0
CA CLOVIS	43	44	50.0	671.0	11710	935	11083	931	12.5	5.0	100.0
CA CONCORD	42	56	83.3	856.0	26830	6280	26656	6234	2.4	4.2	99.0
CA CORONA	52	15	167.3	896.0	18891	12437	18769	12125	8.3	1.5	96.3
CA COTATI	22	23	50.0	620.0	10454	1767	8448	1284	1.3	0.1	100.0
CA EL CENTRO	7	14	1637.1	389.0	23044	189	21853	189	0.0	0.0	100.0
CA EL CENTRO	9	18	1583.0	488.0	27713	229	26696	229	0.0	0.0	100.0
CA EUREKA	3	34	3874.8	503.0	31662	135	35305	139	0.0	0.0	89.6
CA EUREKA	6	49	5000.0	530.0	38788	138	42165	143	0.0	0.0	91.9
CA EUREKA	13	18	1724.6	515.0	30061	120	28745	119	0.0	0.0	100.0
CA EUREKA	29	28	50.0	334.0	6207	95	5731	89	0.0	0.0	100.0
CA FORT BRAGG	8	11	6.6	746.0	28477	115	27092	94	0.0	0.0	99.9

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
CA FRESNO	18	28	90.5	677.0	21234	1110	20990	1103	0.7	0.0	99.8
CA FRESNO	24	7	3.2	716.0	24064	1124	21459	1102	0.3	0.0	100.0
CA FRESNO	30	4	1.0	622.0	21770	1132	18908	1115	1.3	0.5	99.5
CA FRESNO	47	15	203.3	597.0	20365	1107	18692	1077	0.1	0.0	100.0
CA FRESNO	53	34	194.3	581.0	18484	1101	17906	1088	1.2	0.1	99.9
CA HANFORD	21	20	145.3	561.0	19041	1109	18511	1092	2.6	0.2	100.0
CA HUNTINGTON BEAC	50	49	375.3	330.0	10711	9167	10114	9085	0.6	1.2	99.6
CA LOS ANGELES	2	48	1122.2	1107.0	41312	13721	40789	14301	0.0	0.0	82.5
CA LOS ANGELES	4	32	1413.0	984.0	41465	13842	47533	14263	0.2	0.0	83.5
CA LOS ANGELES	5	33	1453.5	976.0	41775	13825	40131	14411	0.0	0.0	86.8
CA LOS ANGELES	7	53	662.7	978.0	32569	13256	34943	13573	0.2	0.0	92.6
CA LOS ANGELES	9	47	621.0	970.0	23999	12726	25075	12901	0.2	0.0	94.2
CA LOS ANGELES	11	59	825.2	896.0	33588	13244	34940	13524	0.0	0.0	94.5
CA LOS ANGELES	13	21	802.0	899.0	35865	13638	34365	13489	0.0	0.0	99.7
CA LOS ANGELES	22	60	194.0	889.0	16783	12197	16452	12102	7.5	1.2	99.7
CA LOS ANGELES	28	27	192.4	927.0	25295	12905	24117	12559	0.9	0.8	99.9
CA LOS ANGELES	34	35	134.1	896.0	22175	12599	21202	12358	1.3	1.7	99.9
CA LOS ANGELES	58	41	167.3	875.0	23955	12780	22184	12203	0.3	0.2	100.0
CA LOS ANGELES	68	36	173.8	878.0	24406	12723	22859	12321	0.3	0.4	100.0
CA MERCED	51	32	357.6	680.0	23326	1337	22344	1318	0.8	0.1	100.0
CA MODESTO	19	38	415.1	573.0	24581	2526	24938	2543	5.4	2.7	98.1
CA MONTEREY	46	41	84.7	771.0	17052	711	16500	692	0.4	0.6	99.9
CA MONTEREY	67	40	74.1	701.0	15334	1315	14251	756	0.0	0.0	99.8
CA NOVATO	68	35	417.2	431.0	23174	4184	21572	3883	6.5	4.3	98.8
CA OAKLAND	2	34	3548.7	479.0	35427	5881	36479	5954	0.0	0.0	94.0
CA ONTARIO	46	67	144.7	927.0	18728	12198	18317	12044	9.4	3.1	100.0
CA OXNARD	63	24	103.0	549.0	13369	2031	12352	1492	0.2	0.8	99.6
CA PALM SPRINGS	36	57	50.0	207.0	6142	270	5971	260	1.1	1.3	100.0
CA PALM SPRINGS	42	43	110.1	1087.0	15874	1219	14730	947	0.0	0.0	99.8
CA PARADISE	30	31	160.1	440.0	17051	342	16948	348	0.1	0.0	98.5
CA PORTERVILLE	61	50	213.6	811.0	24375	1395	23856	1354	0.0	0.0	99.9
CA RANCHO PALOS VE	44	45	410.7	451.0	18040	9283	16861	7046	0.1	0.2	100.0
CA REDDING	7	14	540.2	1103.0	35842	322	35585	322	0.0	0.0	99.1
CA REDDING	9	19	541.0	1097.0	35462	320	34970	318	0.0	0.0	99.4
CA RIVERSIDE	62	26	361.9	723.0	19400	11825	18502	11530	0.3	0.9	99.8
CA SACRAMENTO	3	33	3915.9	591.0	43582	4795	42119	4221	0.0	0.0	97.6
CA SACRAMENTO	6	45	3912.4	567.0	42159	4680	38510	4021	0.0	0.0	97.7
CA SACRAMENTO	10	59	1731.3	595.0	36687	4518	35767	4076	0.3	0.0	96.9
CA SACRAMENTO	29	14	333.4	321.0	12379	1546	12763	1564	0.7	0.2	95.7
CA SACRAMENTO	31	21	412.2	550.0	25953	3732	24988	3540	6.8	2.1	97.5
CA SACRAMENTO	40	53	408.7	597.0	25704	3733	25297	3427	2.0	0.5	98.0
CA SALINAS	8	43	778.9	896.0	28937	4714	26763	2870	0.0	0.0	92.5
CA SALINAS	35	31	146.5	735.0	17285	916	16564	745	1.4	0.1	99.9

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							CURRENT SERVICE		NEW INTERFERENCE		
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CA SAN BERNARDINO	18	19	307.9	725.0	22712	12165	21882	11777	0.5	0.2	99.9
CA SAN BERNARDINO	24	25	73.9	509.0	13793	7746	12677	5352	2.5	9.9	100.0
CA SAN BERNARDINO	30	55	72.0	713.0	19025	11812	18423	11416	1.2	0.3	100.0
CA SAN DIEGO	8	21	3209.3	226.0	24913	2737	23563	2663	0.0	0.0	100.0
CA SAN DIEGO	10	29	2024.8	229.0	20929	2686	20069	2632	0.0	0.0	100.0
CA SAN DIEGO	15	17	218.2	613.0	22022	2535	21403	2505	15.6	1.9	100.0
CA SAN DIEGO	39	40	175.9	577.0	21034	2460	20840	2328	0.0	0.0	97.8
CA SAN DIEGO	51	52	209.3	579.0	21092	2467	21182	2424	0.4	2.7	97.1
CA SAN DIEGO	69	46	399.6	594.0	20655	2530	20238	2475	0.0	0.0	97.9
CA SAN FRANCISCO	4	18	3812.9	512.0	41007	6515	37369	5896	0.6	0.1	97.0
CA SAN FRANCISCO	5	28	3770.3	506.0	40251	6474	37367	5960	0.0	0.0	96.8
CA SAN FRANCISCO	7	61	1589.9	509.0	33669	5813	31937	5854	0.6	0.7	97.3
CA SAN FRANCISCO	9	57	1591.3	509.0	33320	5823	30024	5414	0.1	0.0	99.2
CA SAN FRANCISCO	14	15	163.7	381.0	19124	5188	18347	5099	3.0	4.0	99.0
CA SAN FRANCISCO	20	24	255.2	472.0	18623	5486	17073	5287	4.2	3.6	99.8
CA SAN FRANCISCO	26	27	161.1	421.0	15339	5121	14169	4936	1.2	2.0	98.8
CA SAN FRANCISCO	32	30	68.8	491.0	15024	5175	13512	4814	1.7	1.1	99.9
CA SAN FRANCISCO	38	39	406.2	440.0	17528	5258	15252	4756	2.3	1.2	99.9
CA SAN FRANCISCO	44	19	400.8	491.0	17342	5297	15785	4877	0.7	0.2	99.0
CA SAN JOSE	11	12	3.2	844.0	33502	5477	29610	4961	0.0	0.0	99.4
CA SAN JOSE	36	55	352.4	606.0	16496	5319	14377	5059	5.5	4.6	99.7
CA SAN JOSE	48	49	390.9	631.0	15387	5019	13687	4833	0.4	0.6	99.8
CA SAN JOSE	54	47	50.0	585.0	9060	4686	7971	4308	4.0	2.5	99.8
CA SAN JOSE	65	50	268.0	812.0	18228	4583	17003	4464	0.0	0.1	99.4
CA SAN LUIS OBISPO	6	10	22.0	543.0	41616	401	41912	412	0.0	0.0	97.6
CA SAN LUIS OBISPO	33	19	50.0	440.0	6592	261	5464	246	0.4	7.5	100.0
CA SAN MATEO	60	29	241.9	362.0	13023	4804	12237	4673	9.0	4.3	98.2
CA SANGER	59	36	75.0	591.0	16211	853	15422	842	2.5	0.9	100.0
CA SANTA ANA	40	66	50.0	881.0	19238	12400	18469	12222	8.1	1.7	100.0
CA SANTA BARBARA	3	51	1673.4	917.0	42231	1158	46654	1290	0.0	0.0	88.5
CA SANTA BARBARA	38	22	185.9	887.0	23782	768	23378	763	4.0	4.1	97.9
CA SANTA MARIA	12	25	541.0	591.0	26470	377	25407	362	2.9	0.7	99.7
CA SANTA ROSA	50	41	50.0	939.0	19064	1173	14792	881	5.9	12.1	100.0
CA STOCKTON	13	69	1731.3	594.0	37187	4597	36195	4666	0.0	0.0	98.0
CA STOCKTON	58	25	411.9	559.0	24531	3759	23524	3462	2.4	3.2	99.9
CA STOCKTON	64	63	144.7	874.0	30567	6954	28321	6056	0.4	0.2	100.0
CA TWENTYNINE PALM	31	28	50.0	90.0	2937	41	2719	41	0.0	0.0	100.0
CA VALLEJO	66	51	255.9	466.0	14897	5260	13078	3890	0.0	0.0	98.1
CA VENTURA	57	43	370.2	530.0	16381	2891	14674	1760	0.0	0.0	99.8
CA VISALIA	26	27	299.3	792.0	26345	1122	25565	1118	0.0	0.0	100.0
CA VISALIA	49	9	3.2	835.0	23246	1387	21185	1319	0.0	0.0	100.0
CA WATSONVILLE	25	52	50.0	675.0	11802	1187	10965	718	1.0	0.3	100.0
CO BOULDER	14	15	154.5	351.0	15957	2041	15716	2037	0.7	0.2	99.6

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CO BROOMFIELD	12	17	2348.7	738.0	33128	2187	31016	2165	0.0	0.0	99.2
CO CASTLE ROCK	53	47	322.7	193.0	11801	1720	11208	1686	0.0	0.0	100.0
CO COLORADO SPRING	11	10	7.7	725.0	29797	831	26686	633	0.0	0.0	99.4
CO COLORADO SPRING	13	24	1174.7	652.0	30427	1592	24772	629	0.0	0.0	99.9
CO COLORADO SPRING	21	22	123.1	656.0	17744	555	16718	540	1.5	0.1	99.6
CO DENVER	2	44	5000.0	319.0	29807	2272	31713	2314	0.0	0.0	92.3
CO DENVER	4	34	5000.0	451.0	33752	2304	32687	2327	0.0	0.0	92.4
CO DENVER	6	36	5000.0	292.0	28790	2257	27638	2169	0.0	0.0	95.5
CO DENVER	7	18	3437.7	308.0	26796	2256	25377	2207	0.0	0.0	99.0
CO DENVER	9	16	3435.0	280.0	26167	2246	23896	2193	0.0	0.0	99.1
CO DENVER	20	19	414.6	383.0	18502	2068	17524	2020	1.3	0.7	99.6
CO DENVER	31	30	414.4	317.0	16887	2044	16466	2033	0.2	0.0	99.8
CO DENVER	41	42	148.1	344.0	12440	1886	12336	1882	1.1	2.6	99.6
CO DENVER	50	49	165.3	233.0	12910	1878	12402	1866	0.2	0.0	100.0
CO DENVER	59	35	269.4	96.0	7786	1770	7899	1800	0.0	0.0	96.4
CO DURANGO	6	26	97.6	110.0	8152	63	9311	65	0.0	0.0	87.3
CO FORT COLLINS	22	21	76.5	256.0	13277	434	13063	418	0.5	0.1	100.0
CO GLENWOOD SPRING	3	45	2301.6	771.0	25413	67	31999	87	0.0	0.0	77.9
CO GRAND JUNCTION	5	48	155.9	33.0	5271	91	6731	92	0.0	0.0	78.3
CO GRAND JUNCTION	8	7	3.7	829.0	32053	144	26318	115	0.0	0.0	100.0
CO LONGMONT	25	26	368.8	332.0	14412	2126	14261	2125	0.5	0.3	99.9
CO MONTROSE	10	13	3.2	33.0	4907	33	4544	33	0.0	0.0	100.0
CO PUEBLO	5	39	3554.3	396.0	32684	592	32241	584	0.0	0.0	93.6
CO PUEBLO	8	23	891.9	727.0	30728	1466	26061	620	0.0	0.0	99.7
CO STEAMBOAT SPRIN	24	14	50.0	157.0	1629	11	1369	11	0.0	0.0	100.0
CO STERLING	3	40	3737.2	232.0	26452	71	22909	61	0.0	0.0	100.0
CT BRIDGEPORT	43	6	1.0	156.0	10675	2970	10148	2788	14.0	17.5	97.7
CT BRIDGEPORT	49	12	3.2	222.0	11690	3937	10220	3330	13.3	17.6	99.9
CT HARTFORD	3	35	5000.0	276.0	28407	4413	25124	3891	0.0	0.0	98.6
CT HARTFORD	18	9	3.2	299.0	16657	2916	16220	2972	17.6	14.1	91.1
CT HARTFORD	24	63	50.0	262.0	12283	2707	11214	2569	2.7	5.7	99.6
CT HARTFORD	61	60	374.9	515.0	19346	3218	16485	2807	0.7	0.6	99.8
CT NEW BRITAIN	30	29	218.2	451.0	23658	4029	21908	3689	3.9	2.6	99.9
CT NEW HAVEN	8	16	1094.5	363.0	27098	6199	23521	4707	3.5	2.1	100.0
CT NEW HAVEN	59	46	170.7	314.0	18627	4310	17942	4081	8.6	13.5	98.5
CT NEW HAVEN	65	39	50.0	82.0	1807	635	1681	596	5.0	7.1	100.0
CT NEW LONDON	26	50	171.9	381.0	16747	2517	14885	1705	0.5	1.4	98.7
CT NORWICH	53	45	50.0	207.0	10906	1378	10247	856	1.9	3.4	97.1
CT WATERBURY	20	32	132.2	366.0	19589	4466	17631	3756	2.5	1.3	100.0
DC WASHINGTON	4	36	5000.0	237.0	28107	6605	24781	6451	7.0	3.3	98.6
DC WASHINGTON	5	30	5000.0	235.0	28271	6627	26776	6536	0.3	0.1	99.4
DC WASHINGTON	7	33	3011.0	235.0	24473	6430	23217	6361	0.4	0.1	98.8
DC WASHINGTON	9	59	3011.0	235.0	24669	6433	22905	6314	0.0	0.0	99.8

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DC WASHINGTON	20	69	255.0	235.0	16706	5975	16076	5661	7.7	1.0	99.2
DC WASHINGTON	26	35	112.0	233.0	15035	5813	14883	5584	1.0	0.2	99.0
DC WASHINGTON	32	6	1.0	213.0	13524	5704	14056	5743	8.9	6.2	91.8
DC WASHINGTON	50	51	134.1	247.0	15733	5887	14818	5382	0.2	0.3	99.9
DE SEAFORD	64	44	50.0	195.0	4936	179	4936	179	28.7	27.5	100.0
DE WILMINGTON	12	36	2042.2	294.0	23295	7656	20471	6705	0.0	0.0	99.2
DE WILMINGTON	61	31	102.8	292.0	18352	5739	17618	5847	9.5	10.9	97.9
FL BOCA RATON	63	31	196.0	310.0	15547	3772	15472	3689	0.0	0.0	100.0
FL BRADENTON	66	23	138.7	465.0	20900	2610	20802	2596	0.0	0.0	100.0
FL CAPE CORAL	36	35	415.8	450.0	24391	870	24203	867	0.4	0.1	100.0
FL CLEARWATER	22	59	405.6	433.0	19585	2479	19585	2479	0.5	0.2	100.0
FL CLERMONT	18	30	417.1	450.0	26202	2060	26212	2056	0.0	0.0	99.8
FL COCOA	52	49	340.5	285.0	14837	1508	15080	1535	0.1	0.2	97.8
FL COCOA	68	51	160.6	287.0	15085	1177	15069	1176	0.0	0.0	100.0
FL DAYTONA BEACH	2	31	3616.0	503.0	46241	2798	42118	2374	0.0	0.0	100.0
FL DAYTONA BEACH	26	32	158.5	304.0	15435	1123	13570	817	0.0	0.0	99.9
FL FORT LAUDERDALE	51	52	325.7	262.0	14271	3676	14271	3676	0.0	0.0	100.0
FL FORT MYERS	11	53	1552.1	451.0	37698	1147	35406	1033	0.3	0.0	100.0
FL FORT MYERS	20	55	415.7	451.0	22752	781	22752	781	0.0	0.0	100.0
FL FORT MYERS	30	15	55.5	293.0	16055	636	16000	636	0.8	0.4	100.0
FL FORT PIERCE	21	22	139.3	147.0	11003	428	10619	418	1.7	9.3	100.0
FL FORT PIERCE	34	16	416.2	454.0	24460	1347	23464	1059	0.0	0.0	100.0
FL FORT WALTON BEA	35	19	50.0	60.0	4594	153	4590	153	0.2	0.2	100.0
FL FORT WALTON BEA	53	38	150.2	219.0	13307	501	13302	501	1.8	0.7	100.0
FL FORT WALTON BEA	58	49	50.0	59.0	1385	108	1385	108	0.0	0.0	100.0
FL GAINESVILLE	5	42	4606.6	262.0	32472	1202	31956	1149	0.0	0.0	100.0
FL GAINESVILLE	20	28	158.1	287.0	15269	513	15284	513	4.3	3.8	99.9
FL HIGH SPRINGS	53	40	55.0	282.0	12029	411	11659	350	0.0	0.0	100.0
FL HOLLYWOOD	69	50	354.1	264.0	15617	3681	15592	3650	0.0	0.0	100.0
FL INVERNESS	64	34	239.2	414.0	25497	1153	24371	1092	0.0	0.0	100.0
FL JACKSONVILLE	4	33	4112.4	293.0	33334	2220	31966	1170	2.5	1.3	100.0
FL JACKSONVILLE	7	23	1913.6	277.0	27709	1087	26414	1083	0.1	0.0	100.0
FL JACKSONVILLE	12	13	5.5	296.0	27870	1084	27082	1090	1.0	0.6	98.9
FL JACKSONVILLE	17	16	340.5	304.0	19009	1019	19009	1019	0.0	0.0	100.0
FL JACKSONVILLE	30	14	164.4	302.0	15526	999	15526	999	1.1	0.4	100.0
FL JACKSONVILLE	47	10	3.2	299.0	19546	1028	19558	1028	3.8	2.3	99.9
FL JACKSONVILLE	59	38	188.7	289.0	15436	972	15436	972	0.0	0.0	100.0
FL KEY WEST	8	12	3.2	33.0	1456	34	1456	34	0.0	0.0	100.0
FL KEY WEST	22	3	1.0	62.0	1476	32	1476	32	0.0	0.0	100.0
FL LAKE WORTH	67	27	50.0	60.0	4593	773	4593	773	0.0	0.0	100.0
FL LAKELAND	32	33	175.5	331.0	15178	2004	15176	2004	3.4	2.7	100.0
FL LEESBURG	45	46	261.3	138.0	12079	1435	11356	1429	0.4	0.7	100.0
FL LEESBURG	55	29	410.6	515.0	26345	2114	26136	2111	0.9	0.5	100.0

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FL LIVE OAK	57	18	72.2	145.0	8660	167	8660	167	0.1	3.6	100.0
FL MELBOURNE	43	4	1.0	299.0	15330	1545	15254	1541	0.2	0.0	100.0
FL MELBOURNE	56	62	104.0	305.0	13769	607	13162	580	0.0	0.0	100.0
FL MIAMI	2	47	4270.6	283.0	33149	3997	31733	3904	0.0	0.0	100.0
FL MIAMI	4	48	3962.5	304.0	34336	4012	34336	4012	0.0	0.0	100.0
FL MIAMI	6	41	3867.1	549.0	49213	3620	44296	2792	0.0	0.0	100.0
FL MIAMI	7	8	5.4	293.0	28498	3942	28498	3942	0.0	0.0	100.0
FL MIAMI	10	9	5.6	305.0	29086	3959	29070	3959	0.0	0.0	100.0
FL MIAMI	17	21	166.2	309.0	15323	3681	15325	3681	0.3	0.9	100.0
FL MIAMI	23	24	319.2	297.0	15044	3741	15045	3744	0.1	0.2	100.0
FL MIAMI	33	32	372.5	280.0	17477	3737	17165	3594	0.0	0.0	100.0
FL MIAMI	35	20	149.2	102.0	8037	2871	7474	2310	0.0	0.0	100.0
FL MIAMI	39	38	212.4	213.0	14047	3583	14045	3583	0.0	0.0	100.0
FL MIAMI	45	44	145.1	308.0	13275	3734	13274	3735	0.0	0.1	100.0
FL NAPLES	26	43	364.9	368.0	18758	611	18756	611	0.0	0.0	100.0
FL NAPLES	46	18	195.8	309.0	15240	564	15239	564	0.0	0.0	100.0
FL NEW SMYRNA BEAC	15	21	50.0	441.0	15513	1588	15510	1588	0.1	0.0	100.0
FL OCALA	51	11	3.2	280.0	15411	623	15400	623	0.0	0.0	100.0
FL ORANGE PARK	25	22	82.7	151.0	8650	937	8749	944	5.6	4.0	96.4
FL ORLANDO	6	48	3186.8	445.0	42111	2566	36809	2434	0.0	0.0	99.7
FL ORLANDO	9	58	1573.3	479.0	39037	2509	35519	2178	0.0	0.0	100.0
FL ORLANDO	24	20	57.9	381.0	19079	1874	19226	1893	0.3	0.1	99.1
FL ORLANDO	27	41	413.0	550.0	34097	3531	28612	3015	0.1	0.0	100.0
FL ORLANDO	35	36	166.9	451.0	21464	1947	21382	1946	0.0	0.0	100.0
FL ORLANDO	65	39	417.2	465.0	24425	2147	22429	2047	0.0	0.0	100.0
FL PALM BEACH	61	36	269.8	82.0	9822	1702	9774	1632	0.0	0.0	100.0
FL PANAMA CITY	7	8	5.2	265.0	26218	383	26203	374	0.0	0.0	98.7
FL PANAMA CITY	13	30	1544.8	437.0	35925	586	33744	509	0.0	0.0	100.0
FL PANAMA CITY	28	20	50.0	228.0	12152	207	12110	206	0.0	0.0	100.0
FL PANAMA CITY	56	22	50.0	155.0	11050	208	11031	205	0.0	0.0	100.0
FL PANAMA CITY BEA	46	14	50.0	59.0	1558	95	1558	95	0.0	0.0	100.0
FL PENSACOLA	3	50	3418.0	372.0	36548	1105	31234	940	0.0	0.0	100.0
FL PENSACOLA	23	27	133.5	149.0	10889	447	10797	452	0.2	2.0	99.9
FL PENSACOLA	33	32	239.1	415.0	18368	860	18318	860	0.8	0.1	99.8
FL PENSACOLA	44	45	239.5	454.0	19539	906	19454	905	0.0	0.0	100.0
FL SARASOTA	40	24	138.9	235.0	13484	2015	13025	1882	0.2	0.0	100.0
FL ST. PETERSBURG	10	19	1554.8	458.0	33393	2929	30879	2791	0.2	0.1	100.0
FL ST. PETERSBURG	38	25	71.6	438.0	21407	2920	21479	2920	2.0	0.4	99.6
FL ST. PETERSBURG	44	14	417.2	454.0	29149	3145	27597	3098	0.0	0.0	100.0
FL TALLAHASSEE	11	15	2855.6	232.0	25792	429	23088	386	0.0	0.0	100.0
FL TALLAHASSEE	27	26	50.0	262.0	14556	372	14405	371	0.2	0.2	100.0
FL TALLAHASSEE	40	41	181.1	268.0	13907	363	13893	363	1.1	0.3	100.0
FL TAMPA	3	47	3366.4	473.0	43176	3702	39643	3244	0.0	0.0	99.5

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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
FL TAMPA	8	54	1572.5	471.0	38271	3517	35083	3220	0.1	0.0	100.0
FL TAMPA	13	12	6.8	433.0	34354	3353	35590	3386	2.3	0.4	96.5
FL TAMPA	16	17	77.0	308.0	15344	2727	15342	2727	0.4	0.2	100.0
FL TAMPA	28	57	175.2	471.0	25860	3041	21662	2884	0.1	0.0	100.0
FL TAMPA	50	7	3.2	445.0	27487	3091	23994	2950	0.0	0.0	100.0
FL TEQUESTA	25	40	416.0	453.0	21927	1347	21752	1215	0.1	0.0	100.0
FL TICE	49	5	1.0	312.0	15563	725	15604	719	0.0	0.0	96.8
FL VENICE	62	42	245.8	167.0	11743	721	11473	714	0.0	0.0	100.0
FL WEST PALM BEACH	5	19	3993.6	302.0	34359	4041	31469	2498	13.2	1.1	99.9
FL WEST PALM BEACH	12	13	5.6	299.0	29140	3711	27731	3707	0.0	0.0	99.9
FL WEST PALM BEACH	29	28	416.7	457.0	24165	3772	24154	3764	0.0	0.0	100.0
FL WEST PALM BEACH	42	59	125.9	439.0	19843	2486	19837	2478	0.0	0.0	100.0
GA ALBANY	10	52	1843.0	293.0	28520	594	25926	544	0.5	0.3	100.0
GA ALBANY	31	32	73.1	302.0	16855	390	16854	390	0.4	0.2	100.0
GA ATHENS	8	42	1607.8	326.0	29551	3375	26072	3258	0.2	0.0	100.0
GA ATHENS	34	25	394.9	440.0	22439	3051	21292	2813	0.4	0.1	100.0
GA ATLANTA	2	51	3962.0	316.0	33229	3535	29138	3381	4.3	2.7	99.9
GA ATLANTA	5	50	3878.0	326.0	33583	3545	31391	3449	0.0	0.0	100.0
GA ATLANTA	11	10	6.0	320.0	27220	3346	26233	3330	1.7	0.7	98.3
GA ATLANTA	17	23	124.0	332.0	19058	3077	18310	3035	7.0	1.4	99.6
GA ATLANTA	30	31	64.2	334.0	17357	2994	16498	2946	1.9	0.7	99.9
GA ATLANTA	36	20	159.1	332.0	19831	3111	18942	3069	3.1	0.5	99.3
GA ATLANTA	46	45	131.8	332.0	19535	3105	19186	3087	1.3	0.6	99.4
GA ATLANTA	57	48	84.9	319.0	10868	2653	10768	2651	2.0	2.1	99.7
GA ATLANTA	69	43	151.6	299.0	17977	3013	17797	3016	0.0	0.0	98.4
GA AUGUSTA	6	44	3227.0	418.0	40003	1260	34060	891	0.0	0.0	100.0
GA AUGUSTA	12	59	1576.5	485.0	38430	1220	32503	923	0.0	0.0	100.0
GA AUGUSTA	26	30	97.3	485.0	23728	642	22567	609	1.2	0.2	99.9
GA AUGUSTA	54	36	145.6	385.0	17991	549	18113	552	16.8	7.3	98.7
GA BAINBRIDGE	49	50	63.6	246.0	10611	359	10599	357	0.1	0.0	100.0
GA BARNEY	38	15	50.0	147.0	6449	90	6427	90	0.0	0.0	100.0
GA BRUNSWICK	21	19	149.6	311.0	15978	219	15518	216	0.0	0.0	100.0
GA CHATSWORTH	18	28	386.9	564.0	18699	1311	16046	971	0.6	1.3	99.9
GA COCHRAN	29	7	3.2	350.0	20918	537	19674	507	0.3	0.3	99.9
GA COLUMBUS	3	47	3915.5	543.0	47958	1298	36480	878	0.0	0.0	100.0
GA COLUMBUS	9	33	1591.0	503.0	40480	998	31929	729	0.1	0.0	100.0
GA COLUMBUS	28	27	379.2	461.0	21998	826	21214	802	1.6	2.7	100.0
GA COLUMBUS	38	19	74.0	399.0	20739	590	20249	584	0.1	0.0	100.0
GA COLUMBUS	54	44	50.0	345.0	16574	510	16024	503	0.3	0.0	99.9
GA CORDELE	55	46	50.0	125.0	5647	77	5643	77	0.5	1.7	100.0
GA DALTON	23	16	50.0	447.0	11933	696	10153	636	9.4	8.9	100.0
GA DAWSON	25	21	50.0	329.0	14221	275	14105	273	3.6	4.8	100.0
GA MACON	13	35	3044.2	238.0	25668	675	20815	593	0.0	0.0	100.0

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GA MACON	24	16	50.4	244.0	13788	454	13874	456	0.1	0.0	99.3
GA MACON	41	40	50.0	237.0	13015	432	12959	432	1.1	0.4	100.0
GA MACON	64	14	50.0	185.0	3009	263	2923	262	0.0	0.0	100.0
GA MONROE	63	26	365.4	363.0	20224	3121	19817	3104	0.0	0.0	100.0
GA PELHAM	14	17	371.1	378.0	20606	607	20564	606	5.7	10.1	100.0
GA PERRY	58	49	50.7	247.0	13979	459	13923	458	0.1	0.0	100.0
GA ROME	14	39	297.6	616.0	25523	3102	24599	3052	3.3	2.0	99.8
GA SAVANNAH	3	45	3179.3	451.0	42797	739	35355	654	0.0	0.0	100.0
GA SAVANNAH	9	15	1575.6	320.0	29935	643	25899	601	0.0	0.0	100.0
GA SAVANNAH	11	43	1545.1	445.0	37050	698	34769	670	0.0	0.0	100.0
GA SAVANNAH	22	31	280.6	436.0	23729	539	22657	519	0.0	0.0	100.0
GA THOMASVILLE	6	36	3793.7	619.0	52288	887	45945	842	0.0	0.0	100.0
GA TOCCOA	32	19	50.0	253.0	12105	443	11283	416	0.2	1.2	100.0
GA VALDOSTA	44	2	1.0	277.0	11708	236	11707	236	2.6	1.2	100.0
GA WAYCROSS	8	39	1565.7	314.0	29300	384	25403	336	0.2	0.1	99.9
GA WRENS	20	17	394.2	452.0	23220	582	22959	582	4.2	1.5	99.1
HI HILO	2	25	1.3	39.6	2195	59	2155	58	0.0	0.0	100.0
HI HILO	4	35	4073.8	366.0	33483	112	30256	110	0.0	0.0	99.8
HI HILO	9	19	1.9	86.9	2444	58	2391	58	0.0	0.0	100.0
HI HILO	11	21	11.5	42.4	4106	65	4051	65	0.0	0.0	100.0
HI HILO	13	16	11.5	33.0	4106	65	4051	65	0.0	0.0	100.0
HI HILO	14	18	0.1	44.2	572	44	751	46	0.0	0.0	75.6
HI HILO	32	31	43.7	366.0	17549	80	17557	80	0.0	0.0	100.0
HI HILO	38	39	43.7	366.0	17549	80	17557	80	0.0	0.0	100.0
HI HONOLULU	2	50	3162.3	151.8	10120	796	11517	836	0.0	0.0	87.1
HI HONOLULU	4	49	3162.3	33.0	11637	836	11185	836	0.0	0.0	99.9
HI HONOLULU	5	51	3801.9	629.0	52563	842	52476	842	0.0	0.0	100.0
HI HONOLULU	9	22	501.2	132.9	8546	836	8484	836	0.0	0.0	100.0
HI HONOLULU	11	18	245.5	131.4	7589	834	7519	836	0.0	0.0	99.7
HI HONOLULU	13	16	1122.0	33.0	9761	836	9683	836	0.0	0.0	100.0
HI HONOLULU	14	24	1.0	33.0	1929	717	1898	721	0.2	1.4	99.2
HI HONOLULU	20	19	19.1	622.0	20923	831	20876	836	0.0	3.7	100.0
HI HONOLULU	26	25	9.3	580.0	17512	836	17512	836	0.0	0.5	100.0
HI HONOLULU	32	31	2.1	130.5	2537	755	2501	754	0.9	0.0	99.9
HI KAILUA KONA	6	43	1659.6	887.0	54494	135	54363	145	0.0	0.0	99.9
HI LIHUE	8	3	2.2	305.0	22184	51	22184	51	0.0	0.0	100.0
HI LIHUE	21	12	0.2	305.0	17662	51	17541	51	0.0	0.0	100.0
HI LIHUE	27	10	0.2	305.0	17662	51	17557	51	0.0	0.0	100.0
HI LIHUE	67	46	43.7	366.0	17549	51	17557	51	0.0	0.0	100.0
HI WAILUKU	3	46	147.9	1814.0	54641	137	52313	138	0.0	0.0	99.6
HI WAILUKU	7	8	0.7	1811.0	42106	123	40173	121	0.0	0.0	100.0
HI WAILUKU	10	23	34.7	1811.0	42475	123	40768	121	0.0	0.0	100.0
HI WAILUKU	12	29	61.7	1763.0	46637	130	45250	128	0.0	0.0	99.8

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							CURRENT SERVICE		NEW INTERFERENCE		
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HI WAILUKU	15	17	52.5	1723.0	44403	127	0.0	0.0	42954	123	0.0
0.0 100.0											
HI WAILUKU	21	20	1.8	33.0	2389	85	2364	85	7.4	6.0	99.4
HI WAILUKU	27	28	43.7	366.0	17547	100	17557	100	0.0	0.0	99.9
HI WAILUKU	33	34	43.7	366.0	17549	100	17557	100	0.0	0.0	100.0
IA AMES	5	30	3917.7	564.0	50299	990	41527	886	0.0	0.0	100.0
IA BURLINGTON	26	43	50.0	96.0	3549	89	3540	89	3.2	1.2	100.0
IA CEDAR RAPIDS	2	42	3190.6	442.0	40662	867	35268	782	0.0	0.0	99.8
IA CEDAR RAPIDS	9	14	1757.8	607.0	44933	968	35214	773	0.0	0.0	100.0
IA CEDAR RAPIDS	28	27	111.9	209.0	11975	372	11254	350	0.6	0.2	100.0
IA CEDAR RAPIDS	48	47	174.1	323.0	16673	526	16588	525	1.0	4.4	100.0
IA COUNCIL BLUFFS	32	33	50.0	98.0	6247	640	5713	628	8.5	9.9	100.0
IA DAVENPORT	6	41	3188.0	408.0	39303	1175	32652	967	0.0	0.0	99.7
IA DAVENPORT	18	21	133.6	168.0	9872	487	9745	483	0.1	0.0	100.0
IA DAVENPORT	36	55	50.0	65.0	744	259	744	259	4.3	1.3	100.0
IA DES MOINES	8	19	1750.8	591.0	45577	918	35645	835	0.0	0.0	100.0
IA DES MOINES	11	10	8.6	600.0	41306	882	39288	869	0.3	0.2	95.8
IA DES MOINES	13	29	1758.4	600.0	45164	915	38149	853	0.0	0.0	100.0
IA DES MOINES	17	26	209.8	463.0	21665	681	21533	680	0.1	0.0	100.0
IA DES MOINES	63	50	254.4	550.0	22871	696	22775	696	0.0	0.0	100.0
IA DUBUQUE	40	11	3.2	256.0	12699	223	12199	218	17.0	11.8	100.0
IA FORT DODGE	21	25	77.5	355.0	19278	198	19271	198	0.9	0.5	100.0
IA IOWA CITY	12	44	1544.1	439.0	36204	1046	31774	927	0.1	0.2	100.0
IA MASON CITY	3	51	3392.4	472.0	42627	749	32567	518	0.0	0.0	100.0
IA MASON CITY	24	18	94.9	436.0	19034	261	18946	260	1.8	1.1	100.0
IA OTTUMWA	15	31	120.4	363.0	18253	302	18162	299	2.9	3.4	100.0
IA RED OAK	36	35	121.0	475.0	20157	744	19119	697	1.7	10.5	99.8
IA SIOUX CITY	4	46	3917.7	585.0	50534	660	39289	479	0.0	0.0	100.0
IA SIOUX CITY	9	31	1721.6	616.0	45594	592	38557	465	0.0	0.0	100.0
IA SIOUX CITY	14	22	50.0	351.0	17104	238	17056	238	0.3	1.0	100.0
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
IA WATERLOO	7	16	1758.1	604.0	44134	935	36392	763	0.0	0.0	99.9
IA WATERLOO	32	33	410.0	579.0	28464	707	28005	675	1.7	1.6	100.0
ID BOISE	2	26	2292.1	777.0	45704	393	50757	396	0.0	0.0	90.0
ID BOISE	4	50	1985.0	754.0	42898	392	48584	395	0.0	0.0	88.3
ID BOISE	7	21	998.3	808.0	39418	390	38622	389	0.0	0.0	99.7
ID CALDWELL	9	10	5.4	805.0	27363	386	25797	385	0.1	0.0	99.9
ID COEUR D'ALENE	26	56	50.0	465.0	5479	242	4408	158	0.0	0.0	100.0
ID IDAHO FALLS	3	47	3832.6	488.0	38053	234	40957	237	0.0	0.0	92.5
ID IDAHO FALLS	8	9	8.3	463.0	35671	232	33924	230	0.3	0.1	100.0
ID LEWISTON	3	46	3429.1	384.0	25661	134	28300	139	0.0	0.0	84.8
ID MOSCOW	12	5	3.2	346.0	29101	156	26457	152	0.0	0.0	98.9
ID NAMPA	6	25	2105.2	811.0	45424	393	47939	393	0.0	0.0	93.1
ID NAMPA	12	18	895.8	829.0	39391	392	37416	390	0.0	0.0	100.0

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ID POCATELLO	6	41	5000.0	466.0	33448	266	35451	260	0.0	0.0	89.3
ID POCATELLO	10	17	571.8	465.0	30096	229	28382	228	0.1	0.0	100.0
ID TWIN FALLS	11	15	1788.9	323.0	28304	131	26750	129	0.0	0.0	100.0
ID TWIN FALLS	13	16	53.4	161.0	11399	101	11318	101	0.0	0.0	100.0
ID TWIN FALLS	35	34	50.0	164.0	3166	66	3147	66	0.0	0.0	100.0
IL AURORA	60	47	413.1	494.0	27700	8419	27835	8417	0.1	0.0	99.4
IL BLOOMINGTON	43	42	50.0	293.0	15347	597	15068	562	2.2	0.9	99.9
IL CARBONDALE	8	10	5.2	268.0	24165	650	21513	531	0.0	0.0	97.6
IL CHAMPAIGN	3	36	4368.3	287.0	33506	909	23457	719	2.9	0.7	100.0
IL CHAMPAIGN	15	41	50.0	396.0	16496	430	16361	425	0.1	0.0	99.9
IL CHARLESTON	51	31	50.0	70.0	3110	75	3110	75	3.6	1.6	100.0
IL CHICAGO	2	48	919.7	418.0	31419	8574	22376	8180	0.0	0.0	100.0
IL CHICAGO	5	29	458.9	494.0	30591	8481	27981	8315	6.7	0.7	99.6
IL CHICAGO	7	25	227.2	515.0	28937	8459	27401	8355	2.5	0.1	100.0
IL CHICAGO	9	19	470.8	415.0	26927	8382	26310	8322	5.1	0.7	97.3
IL CHICAGO	11	69	253.5	497.0	28816	8451	25872	8210	3.4	0.1	100.0
IL CHICAGO	20	3	1.0	378.0	18070	7917	16549	7875	1.3	0.2	98.6
IL CHICAGO	26	27	119.7	472.0	21751	8172	21592	8144	1.2	0.2	99.7
IL CHICAGO	32	31	407.6	430.0	23824	8306	23381	8283	3.6	0.6	100.0
IL CHICAGO	38	21	374.0	381.0	21891	8103	21844	8103	0.5	0.2	99.9
IL CHICAGO	44	65	328.9	433.0	23036	8250	22991	8248	3.8	0.6	100.0
IL DECATUR	17	58	379.5	393.0	21739	809	21190	800	0.0	0.0	100.0
IL DECATUR	23	22	99.8	314.0	13380	603	13157	593	0.9	0.3	100.0
IL EAST ST. LOUIS	46	47	366.9	345.0	20179	2565	20092	2572	1.6	0.6	99.7
IL FREEPORT	23	53	50.0	219.0	11729	696	11607	690	5.6	4.1	99.9
IL HARRISBURG	3	43	3959.6	302.0	34698	762	24899	571	0.0	0.0	100.0
IL JACKSONVILLE	14	15	50.0	94.0	3206	51	3206	51	5.9	1.4	100.0
IL JOLIET	66	43	378.8	393.0	20290	8172	20264	8172	0.0	0.0	99.9
IL LASALLE	35	10	3.2	418.0	19023	1216	18021	764	3.6	9.7	99.0
IL MACOMB	22	23	50.0	158.0	4238	55	4190	55	2.4	1.6	100.0
IL MARION	27	17	135.0	233.0	13330	355	13248	352	0.0	0.0	100.0
IL MOLINE	8	34	1597.7	308.0	28878	953	24657	840	0.0	0.0	100.0
IL MOLINE	24	49	50.0	98.0	4397	338	4370	337	0.0	0.0	100.0
IL MOUNT VERNON	13	18	1699.9	302.0	29177	732	21226	445	0.0	0.0	100.0
IL OLNEY	16	29	50.0	283.0	14955	222	14962	222	0.7	0.4	99.9
IL PEORIA	19	16	94.9	194.0	13039	554	12425	534	4.8	0.9	99.6
IL PEORIA	25	28	111.2	207.0	14513	567	14495	567	4.2	1.0	100.0
IL PEORIA	31	30	84.6	195.0	11946	542	11705	539	1.6	0.2	100.0
IL PEORIA	47	57	54.6	216.0	13408	556	13354	555	2.9	0.9	100.0
IL PEORIA	59	39	50.0	178.0	7106	449	7092	448	0.5	0.2	100.0
IL QUINCY	10	38	2938.4	238.0	26865	313	24074	296	1.0	0.2	100.0
IL QUINCY	16	32	50.0	302.0	14010	186	13033	186	2.5	1.9	100.0
IL QUINCY	27	19	50.0	173.0	3850	101	3835	101	11.0	6.3	100.0

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
IL ROCK ISLAND	4	46	3188.0	408.0	39506	1206	32465	1018	0.0	0.0	99.9
IL ROCKFORD	13	45	3159.1	216.0	24086	1399	18848	932	0.0	0.0	100.0
IL ROCKFORD	17	54	50.0	204.0	11228	680	11057	670	0.3	0.1	100.0
IL ROCKFORD	39	59	50.0	176.0	11588	690	11460	683	0.7	0.2	99.9
IL SPRINGFIELD	20	40	77.9	436.0	22088	583	20591	558	0.0	0.0	100.0
IL SPRINGFIELD	49	50	50.0	189.0	5689	230	5689	230	0.0	0.0	100.0
IL SPRINGFIELD	55	45	115.9	439.0	23615	644	23483	640	0.0	0.0	100.0
IL URBANA	12	33	1642.3	302.0	29091	972	22983	827	0.0	0.0	100.0
IL URBANA	27	26	159.9	139.0	10989	325	11034	326	3.8	1.1	99.6
IN ANGOLA	63	12	3.2	144.0	11468	607	11378	601	0.0	0.0	100.0
IN BLOOMINGTON	4	47	1900.6	357.0	31797	2070	25233	1800	1.6	1.2	99.8
IN BLOOMINGTON	30	14	50.0	216.0	12044	479	11891	477	2.1	1.8	100.0
IN BLOOMINGTON	42	27	362.7	317.0	15528	1567	14603	1522	0.4	0.1	100.0
IN BLOOMINGTON	63	46	92.9	328.0	18280	1602	18093	1600	1.4	0.2	100.0
IN ELKHART	28	58	368.8	335.0	20750	1271	20397	1202	3.1	6.5	99.9
IN EVANSVILLE	7	28	1631.3	305.0	28972	795	26374	760	0.0	0.0	100.0
IN EVANSVILLE	9	57	3437.7	177.0	23022	720	17689	620	0.7	0.3	100.0
IN EVANSVILLE	14	15	115.2	311.0	15366	544	15374	545	1.0	0.6	99.8
IN EVANSVILLE	25	39	51.4	314.0	16431	568	16383	568	4.2	2.8	99.8
IN EVANSVILLE	44	45	51.6	296.0	15875	570	15850	570	0.5	0.2	100.0
IN FORT WAYNE	15	4	1.0	253.0	9492	554	9259	545	14.6	7.0	100.0
IN FORT WAYNE	21	56	50.0	226.0	11618	622	10990	578	7.2	2.6	100.0
IN FORT WAYNE	33	24	50.0	235.0	11840	626	11648	601	0.2	0.1	99.6
IN FORT WAYNE	39	38	51.9	223.0	13675	691	13673	690	9.8	7.0	100.0
IN FORT WAYNE	55	36	50.0	238.0	12086	641	12101	642	0.1	0.1	99.9
IN GARY	50	51	392.2	494.0	27801	8420	27117	8318	4.7	1.0	100.0
IN GARY	56	23	59.3	306.0	16488	4771	16446	4767	0.7	1.0	100.0
IN HAMMOND	62	18	265.5	146.0	12543	7070	12397	7013	0.0	0.0	99.9
IN INDIANAPOLIS	6	9	15.7	302.0	28989	2258	27733	2217	0.0	0.0	96.1
IN INDIANAPOLIS	8	53	1870.8	305.0	28835	2285	25140	2126	0.0	0.0	100.0
IN INDIANAPOLIS	13	25	1977.7	299.0	28523	2300	23340	2067	0.0	0.0	100.0
IN INDIANAPOLIS	20	21	62.3	259.0	14865	1502	14455	1570	2.0	0.7	100.0
IN INDIANAPOLIS	40	52	111.0	302.0	17803	1701	17488	1689	0.1	0.0	100.0
IN INDIANAPOLIS	59	35	319.6	304.0	21214	1909	20273	1843	0.0	0.0	100.0
IN INDIANAPOLIS	69	44	50.0	167.0	3173	1058	3172	1058	0.0	0.0	100.0
IN KOKOMO	29	11	3.2	236.0	13539	1122	13535	1122	3.3	5.4	100.0
IN LAFAYETTE	18	32	58.8	238.0	11542	460	11478	450	1.9	1.1	100.0
IN MARION	23	54	372.3	295.0	18465	1808	18309	1822	1.5	0.8	99.0
IN MUNCIE	49	17	50.0	155.0	10219	561	10123	555	7.1	6.2	100.0
IN RICHMOND	43	30	127.8	302.0	15265	2668	15167	2645	2.1	5.0	97.8
IN SALEM	58	38	93.5	346.0	16719	1258	16180	1234	4.9	1.1	99.7
IN SOUTH BEND	16	30	255.6	326.0	20318	1165	19303	1120	0.9	1.7	100.0
IN SOUTH BEND	22	42	350.7	325.0	22608	1251	21953	1252	2.7	0.5	97.6

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							CURRENT SERVICE		NEW INTERFERENCE		
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IN SOUTH BEND	34	49	53.6	246.0	14441	956	14158	950	1.2	0.7	100.0
IN SOUTH BEND	46	45	50.0	305.0	15875	992	15723	971	4.7	4.0	99.5
IN TERRE HAUTE	2	48	4443.1	290.0	31945	885	22661	578	0.0	0.0	99.8
IN TERRE HAUTE	10	34	2190.6	293.0	27419	719	25425	672	3.3	4.2	99.8
IN TERRE HAUTE	38	19	106.4	299.0	14302	402	14184	389	1.5	1.5	100.0
IN VINCENNES	22	23	58.1	174.0	10526	232	10497	232	0.1	0.0	100.0
KS COLBY	4	32	5000.0	229.0	29326	52	23210	37	0.0	0.0	100.0
KS ENSIGN	6	30	5000.0	219.0	29034	121	27414	118	0.0	0.0	100.0
KS FORT SCOTT	20	43	319.2	233.0	17983	312	17812	311	0.2	0.0	100.0
KS GARDEN CITY	11	18	1074.0	244.0	23895	118	22777	114	0.0	0.0	100.0
KS GARDEN CITY	13	15	1983.7	265.0	25309	114	24011	114	0.0	0.0	100.0
KS GOODLAND	10	17	2322.1	299.0	28055	43	27042	41	0.1	0.0	100.0
KS GREAT BEND	2	46	4435.1	296.0	33559	206	29598	173	0.0	0.0	100.0
KS HAYS	7	20	3297.2	216.0	24961	100	23578	95	0.0	0.0	100.0
KS HAYS	9	16	1531.9	332.0	30110	156	24913	114	0.0	0.0	100.0
KS HUTCHINSON	8	17	2697.0	244.0	24512	669	19010	568	0.0	0.0	100.0
KS HUTCHINSON	12	19	1564.3	463.0	37839	757	33293	727	0.0	0.0	100.0
KS LAKIN	3	49	5000.0	171.0	26058	89	21570	85	0.0	0.0	100.0
KS LAWRENCE	38	39	334.8	330.0	16867	1758	16619	1725	2.1	0.5	99.5
KS PITTSBURG	7	30	1499.8	332.0	29956	493	28173	474	0.0	0.0	100.0
KS SALINA	18	15	50.0	317.0	11045	135	11015	134	2.2	0.4	100.0
KS TOPEKA	11	23	2133.8	305.0	28378	972	23584	897	0.0	0.0	99.9
KS TOPEKA	13	22	1555.8	421.0	34552	638	28823	553	0.0	0.0	100.0
KS TOPEKA	27	28	50.0	320.0	16147	391	15771	378	0.3	0.2	100.0
KS TOPEKA	49	48	254.2	451.0	20866	503	20058	472	1.6	0.5	100.0
KS WICHITA	3	51	4267.5	305.0	33652	684	27321	660	0.0	0.0	100.0
KS WICHITA	10	26	1715.3	314.0	29237	675	26662	664	0.0	0.0	100.0
KS WICHITA	24	25	211.4	341.0	17913	625	17910	625	2.2	0.4	100.0
KS WICHITA	33	32	50.0	133.0	2740	420	2738	420	1.9	1.4	100.0
KY ASHLAND	25	26	50.0	152.0	7110	377	6573	352	5.4	5.3	100.0
KY ASHLAND	61	47	79.3	189.0	9328	505	9351	485	2.7	8.3	96.9
KY BEATTYVILLE	65	7	3.2	197.0	6780	102	5466	77	0.0	0.0	100.0
KY BOWLING GREEN	13	12	4.8	226.0	22128	481	20329	465	0.0	0.0	98.5
KY BOWLING GREEN	24	18	50.0	198.0	9926	232	9414	224	2.4	2.8	100.0
KY BOWLING GREEN	40	27	50.0	244.0	10720	241	10480	237	0.8	0.5	100.0
KY BOWLING GREEN	53	48	50.0	247.0	12390	264	12340	262	1.1	0.9	99.0
KY CAMPBELLSVILLE	34	19	50.0	314.0	13865	263	13174	246	3.7	4.0	100.0
KY COVINGTON	54	34	50.0	122.0	6196	1507	5999	1562	8.8	5.4	97.7
KY DANVILLE	56	42	217.9	351.0	16912	699	16732	698	3.4	2.4	98.7
KY ELIZABETHTOWN	23	51	50.0	198.0	11306	614	10465	384	0.6	0.1	99.7
KY HARLAN	44	14	52.7	601.0	21335	605	17828	476	0.4	0.3	100.0
KY HAZARD	35	53	50.0	384.0	13917	304	13370	292	0.2	0.1	100.0
KY HAZARD	57	41	173.4	475.0	17021	380	15943	348	1.4	1.0	99.9

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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
KY LEXINGTON	18	22	50.0	195.0	12165	605	12071	604	0.7	0.1	99.8
KY LEXINGTON	27	40	69.4	300.0	16409	667	16252	663	1.2	0.4	100.0
KY LEXINGTON	36	59	120.7	305.0	17927	692	17526	686	0.0	0.0	99.9
KY LEXINGTON	46	45	54.4	265.0	14341	645	14066	641	4.3	1.9	99.9
KY LOUISVILLE	3	62	3917.7	555.0	47643	3226	36062	2226	3.9	5.1	100.0
KY LOUISVILLE	11	55	629.6	390.0	27937	1483	26587	1466	1.1	0.5	99.8
KY LOUISVILLE	15	16	50.0	262.0	12708	1144	12246	1137	0.8	0.1	100.0
KY LOUISVILLE	21	17	82.6	212.0	11921	1129	11340	1102	2.9	0.3	99.3
KY LOUISVILLE	32	26	333.0	384.0	25181	1436	24564	1428	2.0	0.3	99.9
KY LOUISVILLE	41	49	416.9	391.0	26507	1452	24728	1397	1.8	0.5	100.0
KY LOUISVILLE	68	43	50.0	250.0	12287	1148	11978	1142	0.0	0.0	99.7
KY MADISONVILLE	19	20	126.4	241.0	13351	523	13243	522	0.4	0.2	100.0
KY MADISONVILLE	35	36	50.0	317.0	14154	291	13858	288	3.4	2.4	100.0
KY MOREHEAD	38	15	50.0	293.0	13847	217	12905	202	0.9	1.2	100.0
KY MOREHEAD	67	21	374.9	247.0	18474	473	17513	418	0.0	0.0	100.0
KY MURRAY	21	24	50.0	201.0	11737	279	11706	278	0.6	0.3	100.0
KY NEWPORT	19	20	318.9	305.0	18521	2455	18101	2284	2.0	1.0	98.9
KY OWENSBORO	31	33	50.0	140.0	9776	454	9625	452	3.3	1.5	100.0
KY OWENTON	52	24	50.0	216.0	11986	496	11587	472	1.1	0.6	100.0
KY PADUCAH	6	51	3521.8	482.0	44303	877	38441	808	0.0	0.0	100.0
KY PADUCAH	29	30	50.0	152.0	6981	174	6804	170	7.2	5.5	100.0
KY PADUCAH	49	50	154.0	327.0	19440	507	19481	507	3.3	1.4	98.7
KY PIKEVILLE	22	16	69.0	430.0	16129	437	15110	414	1.2	0.8	100.0
KY SOMERSET	29	25	50.0	445.0	17690	385	16583	356	2.3	3.1	100.0
LA ALEXANDRIA	5	43	3500.3	485.0	44463	997	43485	983	0.1	0.0	99.9
LA ALEXANDRIA	25	27	113.7	415.0	18717	292	18698	291	0.7	0.4	100.0
LA ALEXANDRIA	31	30	57.9	333.0	17399	254	17377	254	0.9	0.1	100.0
LA BATON ROUGE	2	47	3652.1	515.0	46050	2398	40626	2328	0.0	0.0	99.5
LA BATON ROUGE	9	42	1576.4	509.0	40205	1878	32242	1276	0.0	0.0	100.0
LA BATON ROUGE	27	14	143.6	303.0	15267	769	14551	735	0.5	0.1	99.8
LA BATON ROUGE	33	34	410.8	522.0	26339	1300	25430	1274	0.0	0.0	100.0
LA BATON ROUGE	44	45	280.9	426.0	19895	998	19883	997	0.1	0.0	100.0
LA COLUMBIA	11	20	1759.9	610.0	45810	705	35034	573	0.0	0.0	100.0
LA LAFAYETTE	3	41	3761.1	530.0	48504	922	35858	717	0.0	0.0	100.0
LA LAFAYETTE	10	22	1470.8	530.0	35974	872	28579	750	0.0	0.0	100.0
LA LAFAYETTE	15	16	144.9	360.0	17770	560	17769	560	0.5	0.5	100.0
LA LAFAYETTE	24	23	113.1	369.0	17540	531	17540	531	0.0	0.0	100.0
LA LAKE CHARLES	7	36	1552.3	451.0	36913	954	35144	939	0.0	0.0	100.0
LA LAKE CHARLES	18	26	54.3	314.0	16355	336	16355	336	0.9	0.3	100.0
LA LAKE CHARLES	29	28	58.2	394.0	19568	609	19552	609	0.0	0.0	100.0
LA MONROE	8	35	1711.1	576.0	44349	726	41991	684	0.0	0.0	100.0
LA MONROE	13	19	1592.2	543.0	41802	693	36742	619	0.0	0.0	100.0
LA NEW ORLEANS	4	35	3932.7	305.0	34789	1785	34359	1770	0.0	0.0	100.0

MORTON COLLEGE
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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
LA NEW ORLEANS	6	46	4096.4	283.0	34118	1808	33653	1787	0.0	0.0	100.0
LA NEW ORLEANS	8	30	1605.4	302.0	29226	1681	26919	1601	0.0	0.0	100.0
LA NEW ORLEANS	12	11	5.6	308.0	22338	1550	20400	1484	0.0	0.0	100.0
LA NEW ORLEANS	20	21	368.1	276.0	20472	1518	20000	1498	0.0	0.2	100.0
LA NEW ORLEANS	26	24	155.6	308.0	16252	1383	15848	1372	0.0	0.6	100.0
LA NEW ORLEANS	32	31	123.6	308.0	14963	1365	14959	1360	0.1	0.5	100.0
LA NEW ORLEANS	38	39	371.3	311.0	18381	1432	18380	1432	0.0	0.0	100.0
LA NEW ORLEANS	49	48	126.4	271.0	14360	1328	14360	1328	0.0	0.1	100.0
LA SHREVEPORT	3	41	3885.8	543.0	48519	1088	34694	899	0.0	0.0	100.0
LA SHREVEPORT	12	17	1645.8	549.0	43305	1013	33450	894	0.8	0.5	100.0
LA SHREVEPORT	24	23	79.0	326.0	18426	530	18242	529	0.0	0.2	100.0
LA SHREVEPORT	33	34	366.0	553.0	28978	828	28134	801	0.0	0.0	100.0
LA SHREVEPORT	45	44	204.5	507.0	21330	637	21209	635	0.7	0.7	100.0
LA SLIDELL	54	51	245.4	213.0	16705	1452	16700	1451	0.0	0.2	100.0
LA WEST MONROE	14	18	395.8	572.0	30733	550	30628	553	0.3	0.3	99.8
LA WEST MONROE	39	38	50.0	152.0	9733	262	9714	262	0.6	0.5	100.0
MA ADAMS	19	36	50.0	637.0	18303	1525	15710	1076	0.8	0.1	100.0
MA BOSTON	2	43	3307.5	317.0	31847	6837	29690	6688	0.0	0.0	99.7
MA BOSTON	4	23	1836.9	354.0	31377	6818	29830	6707	8.8	2.0	99.7
MA BOSTON	5	34	4155.9	299.0	31739	6833	25676	5679	0.0	0.0	99.6
MA BOSTON	7	65	1677.4	306.0	27464	6584	26367	6533	0.0	0.0	99.2
MA BOSTON	25	55	102.5	357.0	19050	6100	18068	5957	1.6	1.2	100.0
MA BOSTON	38	39	132.6	354.0	20455	6249	19796	6053	22.4	9.8	99.1
MA BOSTON	44	43	72.3	329.0	17304	5836	16655	5708	11.8	5.0	99.2
MA BOSTON	68	30	53.7	249.0	14174	5025	13556	4794	0.8	1.2	99.2
MA CAMBRIDGE	56	20	124.0	360.0	18944	6083	18048	5920	5.5	3.1	99.1
MA LAWRENCE	62	59	279.6	186.0	13156	5013	11798	4437	0.0	0.0	100.0
MA MARLBOROUGH	66	33	241.7	326.0	21622	6194	19746	5542	5.9	5.6	99.8
MA NEW BEDFORD	6	49	4620.9	283.0	31946	5216	23340	2536	2.7	1.1	99.9
MA NEW BEDFORD	28	52	302.6	229.0	15120	3907	12894	2400	0.7	1.8	100.0
MA NORWELL	46	54	50.0	75.0	1238	478	1223	455	0.8	0.2	100.0
MA SPRINGFIELD	22	51	213.7	268.0	12561	2202	11790	2017	4.9	2.4	98.1
MA SPRINGFIELD	40	11	3.2	322.0	15614	2312	13752	2124	3.2	2.2	97.3
MA SPRINGFIELD	57	42	70.3	306.0	14196	1988	12333	1723	11.5	3.7	100.0
MA VINEYARD HAVEN	58	22	50.0	155.0	9601	549	9587	549	4.1	9.9	100.0
MA WORCESTER	27	67	57.4	466.0	19170	6096	16359	5103	1.4	1.7	99.3
MA WORCESTER	48	47	211.1	398.0	22074	4143	20350	3785	5.5	15.5	99.5
MD ANNAPOLIS	22	41	374.9	265.0	19428	6018	18166	5600	0.9	0.5	99.9
MD BALTIMORE	2	38	4830.2	305.0	32557	7690	29178	7061	0.4	0.2	99.9
MD BALTIMORE	11	52	2619.1	305.0	27947	7046	25509	6601	1.4	1.2	99.8
MD BALTIMORE	13	40	2668.5	302.0	27784	7036	23145	6217	0.9	0.8	99.6
MD BALTIMORE	24	29	50.0	326.0	14435	5162	14573	5313	3.1	1.4	97.3
MD BALTIMORE	45	65	65.8	386.0	19095	5790	18879	5838	2.9	0.0	97.2

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
MD BALTIMORE	54	39	385.6	349.0	23602	6569	21073	5726	7.1	3.6	99.8
MD BALTIMORE	67	28	50.0	250.0	12891	4361	11767	3291	1.1	3.1	99.7
MD FREDERICK	62	16	145.2	138.0	8978	2871	7344	2240	2.9	15.1	99.4
MD HAGERSTOWN	25	57	65.7	375.0	13523	646	12700	599	3.9	2.4	99.8
MD HAGERSTOWN	31	55	293.6	378.0	14888	769	13580	674	7.7	7.0	99.5
MD HAGERSTOWN	68	44	293.3	394.0	16622	860	12439	579	0.4	0.2	99.8
MD OAKLAND	36	21	50.0	216.0	6458	119	4980	89	6.1	2.8	99.9
MD SALISBURY	16	57	279.0	299.0	15961	439	16072	457	0.3	0.2	99.3
MD SALISBURY	28	27	90.6	157.0	12951	338	12951	338	8.6	11.8	100.0
MD SALISBURY	47	25	115.4	304.0	14838	432	14838	432	0.1	0.0	100.0
ME AUGUSTA	10	29	1896.6	305.0	27280	787	24864	734	0.0	0.0	100.0
ME BANGOR	2	27	3056.6	192.0	22579	329	19887	293	0.0	0.0	99.9
ME BANGOR	5	46	1334.9	402.0	30352	475	26568	432	0.0	0.0	99.3
ME BANGOR	7	22	3231.7	250.0	26030	340	23031	286	0.0	0.0	100.0
ME BIDDEFORD	26	45	50.0	244.0	11363	644	11056	628	0.8	0.4	98.2
ME CALAIS	13	16	589.3	134.0	15424	33	12188	28	0.0	0.0	100.0
ME LEWISTON	35	4	1.0	258.0	9462	480	8905	469	1.9	1.0	100.0
ME ORONO	12	21	2653.6	302.0	28047	355	24553	318	0.0	0.0	100.0
ME POLAND SPRING	8	15	422.1	1173.0	43430	1050	39418	995	1.1	2.9	99.0
ME PORTLAND	6	38	3810.8	610.0	37705	1218	35037	1063	0.0	0.0	97.6
ME PORTLAND	13	44	1578.4	491.0	33321	981	32416	982	1.8	4.7	97.4
ME PORTLAND	51	39	164.9	280.0	13613	602	13080	603	1.6	0.5	95.8
ME PRESQUE ISLE	8	15	185.2	107.0	7309	54	7675	53	0.0	0.0	87.9
ME PRESQUE ISLE	10	14	1526.5	332.0	29468	80	26396	76	0.0	0.0	100.0
MI ALPENA	6	57	3207.3	448.0	40032	270	29414	185	0.0	0.0	99.9
MI ALPENA	11	13	4.7	204.0	17850	111	16858	108	0.0	0.0	99.5
MI ANN ARBOR	31	33	53.9	329.0	16906	3008	14123	2241	3.2	4.8	99.9
MI BAD AXE	35	23	50.0	155.0	6038	78	6038	78	0.2	0.2	100.0
MI BATTLE CREEK	41	40	106.2	329.0	18257	1506	18958	1508	1.6	1.8	95.8
MI BATTLE CREEK	41	44	371.5	333.0	20000	1700	20000	1622	3.0	1.7	100.0
MI BAY CITY	5	32	4075.4	305.0	32999	1752	25561	1306	0.2	0.1	99.9
MI CADILLAC	9	58	1576.0	497.0	39253	695	34318	587	0.0	0.0	99.9
MI CADILLAC	27	47	50.0	180.0	7138	82	6754	79	0.6	1.5	99.9
MI CADILLAC	33	46	50.0	311.0	11213	147	11108	145	13.0	9.1	99.6
MI CHEBOYGAN	4	14	5000.0	189.0	27454	157	24742	136	0.0	0.0	100.0
MI DETROIT	2	45	4363.6	305.0	34226	5923	26788	5226	8.2	0.2	100.0
MI DETROIT	4	21	4468.5	306.0	34286	5875	25621	5135	10.3	0.6	100.0
MI DETROIT	7	50	2221.1	305.0	27166	5532	24757	5124	1.6	0.3	98.7
MI DETROIT	20	14	119.2	296.0	17675	4803	17637	4778	18.9	2.4	99.5
MI DETROIT	50	55	130.8	293.0	18032	4840	15992	4513	1.6	0.5	99.7
MI DETROIT	56	41	111.6	293.0	15356	4532	17527	4800	13.0	6.5	87.6
MI DETROIT	62	43	50.0	296.0	14141	4425	15005	4490	0.0	0.0	94.1
MI EAST LANSING	23	22	51.6	296.0	15820	1252	15617	1219	0.7	0.8	100.0

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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
MI ESCANABA	3	48	3682.3	363.0	36579	176	35885	174	0.0	0.0	99.9
MI FLINT	12	36	2091.8	287.0	28137	2044	24958	1804	1.0	0.9	99.9
MI FLINT	28	52	132.9	265.0	14274	2524	13950	2317	5.0	12.8	99.9
MI FLINT	66	30	374.9	287.0	21034	1666	21138	1689	9.1	12.9	99.3
MI GRAND RAPIDS	8	7	5.7	302.0	22614	1740	26361	1964	5.0	0.8	83.0
MI GRAND RAPIDS	13	56	1888.6	305.0	28586	1214	24046	1138	0.0	0.0	100.0
MI GRAND RAPIDS	17	20	58.0	334.0	17409	1403	17187	1399	1.8	2.4	100.0
MI GRAND RAPIDS	35	24	52.1	262.0	14798	1076	14779	1075	1.4	0.7	100.0
MI IRON MOUNTAIN	8	16	90.2	190.0	13028	74	11935	68	0.0	0.0	100.0
MI KALAMAZOO	3	19	4279.0	305.0	31074	2204	31119	2066	7.0	2.6	93.5
MI KALAMAZOO	52	5	1.0	125.0	4453	369	4434	367	0.6	0.3	100.0
MI KALAMAZOO	64	39	144.6	319.0	19395	1565	19416	1566	0.9	0.4	99.8
MI LANSING	6	15	4320.7	305.0	31993	3609	20054	1754	2.3	3.7	100.0
MI LANSING	47	46	59.4	305.0	16222	1057	16241	1049	1.3	1.1	98.9
MI LANSING	53	51	201.1	299.0	14959	979	14923	971	2.5	1.0	99.9
MI MANISTEE	21	18	50.0	104.0	4095	43	4060	43	1.1	0.8	100.0
MI MARQUETTE	6	46	4416.0	296.0	33464	194	24315	149	0.0	0.0	99.9
MI MARQUETTE	13	33	1561.6	332.0	30065	186	26298	169	0.0	0.0	100.0
MI MOUNT CLEMENS	38	44	277.3	192.0	12653	4090	13219	4164	3.2	0.8	95.6
MI MOUNT PLEASANT	14	38	50.0	158.0	7704	244	7698	244	12.8	7.6	100.0
MI MUSKEGON	54	11	3.2	294.0	14931	1067	14341	1051	2.4	0.9	99.7
MI ONONDAGA	10	57	1671.8	299.0	28282	2171	20865	1373	0.0	0.0	100.0
MI SAGINAW	25	27	299.0	402.0	25996	2370	24377	1780	0.5	3.8	100.0
MI SAGINAW	49	48	50.0	287.0	14966	1273	14754	1224	0.0	0.0	100.0
MI SAULT STE. MARI	8	56	2169.7	290.0	27395	84	25478	81	0.0	0.0	99.8
MI SAULT STE. MARI	10	49	1523.7	370.0	31194	91	27660	85	0.0	0.0	100.0
MI TRAVERSE CITY	7	50	1573.9	411.0	34995	407	30936	331	3.6	5.3	100.0
MI TRAVERSE CITY	29	41	108.0	399.0	19525	262	18655	253	0.7	0.5	100.0
MI UNIVERSITY CENT	19	16	50.0	140.0	11105	616	11094	616	28.3	20.4	100.0
MI VANDERBILT	45	31	50.0	290.0	8276	97	7709	90	6.8	6.4	100.0
MN ALEXANDRIA	7	25	1489.3	341.0	31180	401	29321	388	0.0	0.0	100.0
MN ALEXANDRIA	42	28	164.1	358.0	22033	319	20526	220	0.0	0.0	100.0
MN APPLETON	10	18	1532.2	381.0	33094	243	28413	201	0.0	0.0	100.0
MN AUSTIN	6	35	3873.9	320.0	34446	612	27389	517	0.0	0.0	100.0
MN AUSTIN	15	20	50.0	116.0	8358	149	8316	148	3.3	1.2	100.0
MN BEMIDJI	9	18	1541.1	329.0	30119	106	26910	82	0.0	0.0	100.0
MN BRAINERD	22	20	50.0	227.0	9312	95	9312	95	0.5	0.3	100.0
MN DULUTH	3	51	5000.0	302.0	33133	287	31706	278	0.0	0.0	99.5
MN DULUTH	8	19	3422.3	290.0	28597	264	25181	244	0.0	0.0	100.0
MN DULUTH	10	39	3384.0	301.0	29007	265	25501	239	0.0	0.0	100.0
MN DULUTH	21	17	50.0	180.0	5282	175	5259	175	15.7	12.2	100.0
MN HIBBING	13	36	1015.5	204.0	15062	113	13778	109	0.0	0.0	100.0
MN MANKATO	12	16	1614.6	317.0	29371	380	25970	325	0.0	0.0	100.0

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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
MN MINNEAPOLIS	4	34	3134.4	436.0	40692	3026	34317	2907	0.0	0.0	100.0
MN MINNEAPOLIS	9	26	1546.0	435.0	35788	2939	30106	2803	0.0	0.0	100.0
MN MINNEAPOLIS	11	32	1544.7	439.0	35975	2942	32101	2851	0.0	0.0	100.0
MN MINNEAPOLIS	23	22	325.8	351.0	20271	2641	20216	2640	0.8	0.1	100.0
MN MINNEAPOLIS	29	30	373.2	373.0	21686	2663	20762	2650	1.7	0.3	100.0
MN MINNEAPOLIS-ST.	45	44	373.4	375.0	21942	2656	21835	2655	0.0	0.0	100.0
MN REDWOOD FALLS	43	14	50.0	167.0	8615	75	8567	75	0.0	0.0	100.0
MN ROCHESTER	10	38	1533.8	381.0	32050	534	26955	467	2.4	0.9	100.0
MN ROCHESTER	47	46	50.0	104.0	4001	141	3913	140	0.7	0.0	100.0
MN ST. CLOUD	41	40	183.4	448.0	20758	2602	19438	2371	0.4	0.5	100.0
MN ST. PAUL	2	33	3204.0	399.0	38561	2992	34788	2909	0.0	0.0	100.0
MN ST. PAUL	5	50	3134.4	436.0	40611	3024	36962	2934	0.0	0.0	99.9
MN ST. PAUL	17	21	50.0	396.0	12029	2469	11989	2468	0.4	0.2	100.0
MN THIEF RIVER FAL	10	59	942.4	183.0	13042	120	10417	108	0.0	0.0	100.0
MN WALKER	12	35	2066.8	283.0	28376	190	26377	176	0.0	0.0	100.0
MN WORTHINGTON	20	19	135.4	332.0	16667	136	16653	136	0.9	2.2	100.0
MO CAPE GIRARDEAU	12	32	1769.1	610.0	44914	935	37475	777	0.4	0.4	100.0
MO CAPE GIRARDEAU	23	22	109.0	543.0	21519	492	21188	488	1.1	1.8	99.9
MO COLUMBIA	8	28	2938.7	242.0	26256	442	21959	411	0.0	0.0	100.0
MO COLUMBIA	17	18	77.9	348.0	18500	398	18296	397	0.0	0.0	100.0
MO HANNIBAL	7	29	2494.8	271.0	27718	320	24376	290	0.0	0.0	99.9
MO JEFFERSON CITY	13	12	5.7	308.0	25516	454	22220	406	0.0	0.0	99.9
MO JEFFERSON CITY	25	20	107.7	314.0	15672	315	15282	311	0.0	0.4	100.0
MO JOPLIN	12	9	5.8	311.0	26657	495	24082	436	0.0	0.0	97.0
MO JOPLIN	16	14	149.5	313.0	19640	373	18479	368	0.2	0.1	100.0
MO JOPLIN	26	25	50.0	283.0	13960	295	13822	294	1.2	0.4	100.0
MO KANSAS CITY	4	29	3948.6	344.0	34965	2099	30654	1911	0.0	0.0	99.4
MO KANSAS CITY	5	46	3984.1	344.0	35091	2095	28989	1961	0.0	0.0	100.0
MO KANSAS CITY	9	24	1530.7	357.0	30875	1933	29070	1918	3.0	0.4	99.9
MO KANSAS CITY	19	26	50.8	357.0	17503	1689	17167	1685	5.6	0.8	99.9
MO KANSAS CITY	32	31	374.3	322.0	22786	1760	22742	1759	2.1	0.5	99.9
MO KANSAS CITY	41	42	59.8	323.0	16775	1685	16557	1681	1.3	0.2	100.0
MO KANSAS CITY	50	21	52.0	341.0	17066	1690	16248	1658	2.0	0.1	100.0
MO KANSAS CITY	62	34	372.1	340.0	23421	1840	23174	1829	0.0	0.0	99.7
MO KIRKSVILLE	3	51	3849.8	339.0	34942	347	27520	258	0.0	0.0	100.0
MO POPLAR BLUFF	15	16	50.0	183.0	7828	104	7850	107	0.1	0.0	99.0
MO SEDALIA	6	45	5000.0	235.0	29458	544	24199	399	0.0	0.0	100.0
MO SPRINGFIELD	3	44	3705.2	622.0	50548	788	42131	668	0.0	0.0	99.7
MO SPRINGFIELD	10	22	1779.5	631.0	45619	751	40987	682	0.3	1.5	100.0
MO SPRINGFIELD	21	23	76.5	546.0	24658	471	24199	466	5.4	2.2	99.6
MO SPRINGFIELD	27	15	412.8	515.0	25624	480	24460	470	0.0	0.0	99.8
MO SPRINGFIELD	33	32	408.4	596.0	26639	511	26421	511	0.3	0.1	99.2
MO ST. JOSEPH	2	44	5000.0	247.0	30208	1436	28707	1484	0.0	0.0	99.5

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							CURRENT SERVICE		NEW INTERFERENCE		
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MO ST. JOSEPH	16	14	372.0	326.0	23383	1590	22470	1476	0.3	0.5	100.0
MO ST. LOUIS	2	41	3908.9	332.0	35423	2778	29547	2679	0.0	0.0	100.0
MO ST. LOUIS	4	34	3933.6	335.0	35401	2789	30391	2725	0.0	0.0	100.0
MO ST. LOUIS	5	48	3839.2	332.0	35059	2780	33983	2766	0.0	0.0	98.8
MO ST. LOUIS	9	26	1856.2	326.0	30259	2705	24875	2621	0.0	0.0	100.0
MO ST. LOUIS	11	35	1906.3	308.0	29211	2708	26834	2671	0.3	0.0	100.0
MO ST. LOUIS	24	14	190.7	305.0	19143	2506	18764	2503	0.2	0.2	100.0
MO ST. LOUIS	30	21	120.4	335.0	19988	2545	19821	2543	0.2	0.1	100.0
MS BILOXI	13	28	1540.0	408.0	34432	1096	27971	727	0.0	0.0	100.0
MS BILOXI	19	18	89.0	478.0	19640	582	19302	570	2.1	0.5	100.0
MS BOONEVILLE	12	32	705.9	229.0	15935	295	13760	261	0.0	0.0	100.0
MS BUDE	17	15	50.0	341.0	15123	210	13770	188	2.7	6.1	99.5
MS COLUMBUS	4	47	3912.6	610.0	50631	769	43268	650	0.0	0.0	99.7
MS GREENVILLE	15	17	144.2	271.0	14468	247	14468	247	0.8	1.5	100.0
MS GREENWOOD	6	51	3910.1	597.0	50869	773	40584	597	0.0	0.0	99.8
MS GREENWOOD	23	24	50.0	317.0	14370	239	14340	239	0.4	0.2	100.0
MS GULFPORT	25	16	140.7	488.0	21569	750	21376	730	1.1	6.5	99.5
MS HATTIESBURG	22	23	50.0	244.0	13901	267	13814	267	0.5	0.3	100.0
MS HOLLY SPRINGS	40	39	245.4	142.0	10007	1026	9994	1026	1.2	0.0	99.4
MS JACKSON	3	50	3887.7	610.0	47356	915	35284	735	0.0	0.0	100.0
MS JACKSON	12	36	1577.6	497.0	39890	785	33621	718	0.0	0.0	100.0
MS JACKSON	16	32	345.8	359.0	20631	565	20381	563	2.8	1.5	99.9
MS JACKSON	29	26	50.0	598.0	24488	627	24349	622	1.9	1.5	100.0
MS JACKSON	40	41	50.0	369.0	18293	548	18256	545	0.0	0.0	99.9
MS LAUREL	7	43	3437.7	155.0	21558	346	19421	327	0.0	0.0	100.0
MS MERIDIAN	11	34	3437.7	165.0	22405	293	19981	258	5.8	2.5	100.0
MS MERIDIAN	14	20	50.0	369.0	16256	289	15659	280	0.7	0.5	99.9
MS MERIDIAN	24	21	50.0	177.0	9546	142	9497	142	0.4	0.2	99.8
MS MERIDIAN	30	19	60.5	187.0	10813	161	10930	163	5.3	2.5	98.6
MS MISSISSIPPI STA	2	49	3365.0	381.0	37883	554	30124	423	0.0	0.0	100.0
MS NATCHEZ	48	49	167.0	316.0	16146	193	16138	193	0.4	0.6	100.0
MS OXFORD	18	25	50.0	423.0	17005	264	17008	264	0.6	0.7	100.0
MS TUPELO	9	8	8.3	542.0	40620	657	39144	623	0.0	0.0	99.5
MS WEST POINT	27	16	121.0	512.0	21636	410	21511	408	0.3	0.2	99.9
MT BILLINGS	2	22	5000.0	165.0	24050	136	23675	136	0.0	0.0	98.8
MT BILLINGS	6	32	5000.0	249.0	27815	136	26316	135	0.0	0.0	99.3
MT BILLINGS	8	11	5.5	229.0	22068	133	21199	128	0.0	0.0	100.0
MT BOZEMAN	7	16	175.7	249.0	8800	59	8945	60	0.0	0.0	97.0
MT BOZEMAN	9	15	50.0	33.0	2282	46	2212	46	0.0	0.0	99.6
MT BUTTE	4	27	5000.0	576.0	33051	132	40130	143	0.0	0.0	81.8
MT BUTTE	6	43	5000.0	591.0	31494	130	38368	140	0.0	0.0	81.3
MT BUTTE	18	19	178.4	596.0	14258	68	13128	65	0.0	0.0	100.0
MT GLENDIVE	5	43	397.8	152.0	13371	14	11438	12	0.0	0.0	99.5

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
MT GREAT FALLS	3	45	5000.0	180.0	23275	89	24027	89	0.0	0.0	95.3
MT GREAT FALLS	5	44	5000.0	180.0	22794	89	23200	89	0.0	0.0	96.2
MT GREAT FALLS	16	38	108.5	319.0	14299	84	14237	84	0.0	0.0	100.0
MT HARDIN	4	49	4515.5	323.0	30768	135	29932	136	0.0	0.0	98.2
MT HELENA	12	14	551.8	686.0	31299	148	29533	147	0.0	0.0	100.0
MT KALISPELL	9	39	100.4	850.0	23851	85	23578	81	0.0	0.0	98.2
MT LEWISTOWN	13	21	50.0	647.0	15271	15	13648	14	0.0	0.0	100.0
MT MILES CITY	3	35	54.3	33.0	5217	11	5496	11	0.0	0.0	94.7
MT MISSOULA	8	35	2933.3	655.0	33701	130	33655	126	0.1	0.0	97.9
MT MISSOULA	13	36	3267.1	610.0	34473	131	34133	130	0.0	0.0	99.3
MT MISSOULA	23	40	126.4	642.0	16950	116	16565	115	0.0	0.0	100.0
NC ASHEVILLE	13	27	895.8	853.0	36588	1912	33298	1801	0.1	0.1	99.6
NC ASHEVILLE	21	54	273.5	765.0	25861	1439	25211	1405	0.3	0.1	99.2
NC ASHEVILLE	33	58	221.2	816.0	20979	1360	20329	1311	1.6	1.5	97.4
NC ASHEVILLE	62	45	50.0	337.0	4049	273	3370	231	1.1	0.4	100.0
NC BELMONT	46	47	411.3	594.0	32983	2350	29624	2148	1.3	0.3	98.7
NC BURLINGTON	16	57	82.8	256.0	12899	1205	10333	920	0.7	0.1	99.8
NC CHAPEL HILL	4	44	3459.2	469.0	42896	2943	30729	2261	0.0	0.0	100.0
NC CHARLOTTE	3	51	3917.6	567.0	46370	3184	35830	2392	0.1	0.1	98.4
NC CHARLOTTE	9	53	1531.0	359.0	31335	2259	24306	1856	0.0	0.0	100.0
NC CHARLOTTE	18	24	114.8	366.0	21008	1741	18719	1568	10.2	4.7	100.0
NC CHARLOTTE	36	22	412.3	595.0	33876	2363	31395	2282	2.2	0.9	99.8
NC CHARLOTTE	42	38	66.5	390.0	19031	1652	18688	1613	10.1	3.6	98.2
NC COLUMBIA	2	48	3998.4	302.0	34184	774	28096	245	0.0	0.0	100.0
NC CONCORD	58	39	413.2	422.0	27343	2269	26120	2207	16.9	12.2	100.0
NC DURHAM	11	59	1757.6	607.0	45222	2402	38855	2110	4.0	1.3	100.0
NC DURHAM	28	27	409.9	585.0	33559	2008	34287	2068	6.4	4.0	97.0
NC FAYETTEVILLE	40	52	413.1	561.0	33790	2330	30909	2237	4.8	11.7	99.8
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
NC GOLDSBORO	17	18	417.2	480.0	28547	1841	28290	1808	2.5	0.9	97.2
NC GREENSBORO	2	32	3917.7	561.0	46156	3380	37034	2446	0.0	0.0	99.5
NC GREENSBORO	48	35	54.9	517.0	22609	1683	21330	1556	2.9	1.7	100.0
NC GREENSBORO	61	33	50.0	168.0	9338	1021	9434	1031	1.9	0.8	96.9
NC GREENVILLE	9	58	1686.9	573.0	41994	1200	34207	1056	1.7	1.0	100.0
NC GREENVILLE	14	15	50.0	209.0	10447	447	10359	429	0.0	0.0	100.0
NC GREENVILLE	25	21	56.5	351.0	14662	620	13754	584	3.2	1.3	100.0
NC HICKORY	14	15	50.0	183.0	7994	517	7083	460	2.0	1.1	100.0
NC HIGH POINT	8	54	1538.8	387.0	32204	2338	25567	1803	2.0	1.2	100.0
NC JACKSONVILLE	19	29	210.4	561.0	22904	702	22901	702	0.2	0.1	100.0
NC KANNAPOLIS	64	25	50.0	86.0	3129	550	2845	409	0.0	0.0	100.0
NC LEXINGTON	20	19	139.3	297.0	16406	1358	15943	1309	1.4	0.7	99.9
NC LINVILLE	17	59	101.9	546.0	16410	768	15718	737	0.6	0.2	99.2
NC MOREHEAD CITY	8	24	2499.5	249.0	19984	305	13899	97	0.0	0.0	100.0

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
NC NEW BERN	12	32	1727.9	591.0	42267	1155	34549	859	0.0	0.0	100.0
NC RALEIGH	5	34	3911.3	604.0	51805	2746	41320	2329	0.0	0.0	100.0
NC RALEIGH	22	42	412.0	510.0	28898	1954	27019	1858	3.9	2.2	99.4
NC RALEIGH	50	43	417.2	449.0	28634	1995	28192	1944	6.5	5.8	98.9
NC ROANOKE RAPIDS	36	51	76.4	368.0	19437	538	18649	518	2.2	1.9	100.0
NC ROCKY MOUNT	47	46	377.3	371.0	18586	1236	17876	1199	2.6	3.4	100.0
NC WASHINGTON	7	53	1736.5	594.0	44811	1297	37020	1102	0.0	0.0	100.0
NC WILMINGTON	3	10	18.3	594.0	49151	979	42099	750	0.0	0.0	99.9
NC WILMINGTON	6	49	3917.7	588.0	51717	1706	39136	1185	0.0	0.0	100.0
NC WILMINGTON	26	25	345.6	500.0	21324	445	21321	445	0.0	0.0	100.0
NC WILMINGTON	39	16	356.1	553.0	27195	643	26983	638	0.2	1.0	100.0
NC WILSON	30	55	107.4	539.0	21629	1246	21446	1220	1.5	0.7	100.0
NC WINSTON-SALEM	12	41	1771.2	604.0	41615	2339	33837	2023	2.1	1.6	100.0
NC WINSTON-SALEM	26	66	408.9	504.0	23652	1640	22773	1592	0.2	0.2	99.9
NC WINSTON-SALEM	45	29	409.9	597.0	26918	1796	24473	1671	3.5	2.8	100.0
ND BISMARCK	3	31	2429.0	425.0	38166	124	29893	111	0.0	0.0	100.0
ND BISMARCK	5	25	3304.9	427.0	40747	126	33712	117	0.0	0.0	100.0
ND BISMARCK	12	23	1573.2	466.0	37137	124	32317	113	0.0	0.0	100.0
ND BISMARCK	17	16	50.0	290.0	12903	89	12728	89	0.8	0.1	100.0
ND DEVILS LAKE	8	57	1575.4	451.0	36977	170	35374	169	0.0	0.0	99.9
ND DICKINSON	2	46	5000.0	256.0	30528	47	29687	45	0.0	0.0	100.0
ND DICKINSON	7	18	3171.5	223.0	24811	38	21031	34	0.0	0.0	100.0
ND DICKINSON	9	20	2075.8	246.0	24108	43	21976	39	0.0	0.0	100.0
ND ELLENDALE	19	20	50.0	179.0	8185	12	8153	12	3.4	1.1	100.0
ND FARGO	6	39	3609.0	351.0	36990	339	31304	251	0.0	0.0	100.0
ND FARGO	11	56	1768.7	610.0	42422	348	40193	324	0.0	0.0	93.1
ND FARGO	13	21	1117.9	344.0	30107	240	27605	229	0.0	0.0	100.0
ND FARGO	15	19	281.5	379.0	17647	241	17644	241	0.0	0.0	100.0
ND GRAND FORKS	2	58	3113.9	408.0	36213	172	33079	167	0.0	0.0	100.0
ND JAMESTOWN	7	14	3327.6	135.0	20297	50	15759	42	0.0	0.0	100.0
ND MINOT	6	45	4169.3	323.0	35187	102	32500	97	0.0	0.0	100.0
ND MINOT	10	59	2153.6	207.0	22444	80	20765	77	0.0	0.0	100.0
ND MINOT	13	56	1763.6	344.0	30978	94	29139	90	0.0	0.0	100.0
ND MINOT	14	15	50.0	829.0	11085	66	11058	66	11.4	3.3	100.0
ND PEMBINA	12	56	1540.7	427.0	27346	31	24939	34	0.0	0.0	93.6
ND VALLEY CITY	4	38	3803.4	619.0	52695	408	46760	377	0.0	0.0	100.0
ND WILLISTON	4	51	3848.8	278.0	29917	51	25853	45	0.0	0.0	99.9
ND WILLISTON	8	52	1063.9	323.0	25877	43	24587	42	0.0	0.0	100.0
ND WILLISTON	11	14	1454.6	299.0	24553	44	22906	43	0.0	0.0	99.9
NE ALLIANCE	13	23	1586.1	469.0	37275	91	31146	83	0.0	0.0	100.0
NE BASSETT	7	20	1567.6	453.0	36801	52	33311	38	0.0	0.0	100.0
NE GRAND ISLAND	11	14	1659.6	308.0	29115	208	24800	184	0.0	0.0	100.0
NE GRAND ISLAND	17	19	73.8	187.0	10186	142	10186	142	0.4	0.0	100.0

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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
NE HASTINGS	5	38	5000.0	223.0	28810	220	26401	211	0.0	0.0	99.9
NE HASTINGS	29	30	75.9	372.0	15463	148	15460	148	0.8	0.6	100.0
NE HAYES CENTER	6	47	5000.0	216.0	29085	85	26974	80	0.0	0.0	100.0
NE KEARNEY	13	23	1494.9	338.0	30654	213	27313	198	0.0	0.0	100.0
NE LEXINGTON	3	44	4048.4	323.0	34629	169	25825	117	0.0	0.0	100.0
NE LINCOLN	8	21	1545.5	440.0	36293	614	29036	475	0.0	0.0	100.0
NE LINCOLN	10	25	1563.1	454.0	37393	768	33748	672	0.4	2.1	100.0
NE LINCOLN	12	40	2730.2	253.0	26784	1041	24515	1024	0.0	0.0	100.0
NE MCCOOK	8	12	4.4	216.0	24053	51	21777	47	0.0	0.0	100.0
NE MERRIMAN	12	16	1778.1	328.0	29133	30	24384	23	0.0	0.0	100.0
NE NORFOLK	19	16	86.0	348.0	14827	138	13695	133	4.2	7.3	99.9
NE NORTH PLATTE	2	41	5000.0	192.0	27133	66	24359	61	0.0	0.0	100.0
NE NORTH PLATTE	9	15	1755.2	311.0	29117	66	25878	61	0.0	0.0	100.0
NE OMAHA	3	47	3175.2	418.0	40084	1142	30652	1045	0.0	0.0	100.0
NE OMAHA	6	51	3168.9	418.0	39705	1136	37129	1118	0.0	0.0	99.9
NE OMAHA	7	20	1544.3	415.0	34764	1092	29752	1002	0.0	0.0	100.0
NE OMAHA	15	18	403.5	453.0	23507	1001	23449	1002	0.5	0.1	99.4
NE OMAHA	26	17	50.0	130.0	8850	693	8737	691	4.4	0.7	99.4
NE OMAHA	42	43	412.8	577.0	34926	1114	34471	1110	1.0	0.2	100.0
NE SCOTTSBLUFF	4	34	3917.7	610.0	50198	108	40583	92	0.0	0.0	99.9
NE SCOTTSBLUFF	10	11	4.2	256.0	23476	74	22324	71	0.0	0.0	98.8
NE SUPERIOR	4	34	3792.1	344.0	36374	240	25171	120	0.0	0.0	100.0
NH BERLIN	40	25	50.0	91.0	2504	23	1917	19	0.0	0.0	100.0
NH CONCORD	21	24	96.1	320.0	16812	1761	16182	1707	4.4	2.1	99.8
NH DERRY	50	32	267.2	213.0	10915	3327	10706	3380	3.8	20.3	99.1
NH DURHAM	11	57	2499.2	302.0	27064	3836	24698	2652	1.3	1.1	99.3
NH KEENE	52	46	50.0	329.0	8134	221	6249	158	2.0	1.8	100.0
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
NH MANCHESTER	9	17	2250.7	314.0	27292	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
NH MERRIMACK	60	18	66.2	308.0	12324	2321	11747	1997	6.4	2.7	99.4
NJ ATLANTIC CITY	53	50	50.0	85.0	1501	212	1501	212	0.3	0.0	100.0
NJ ATLANTIC CITY	62	49	268.7	133.0	12437	1175	10127	784	0.0	0.0	100.0
NJ BURLINGTON	48	26	132.8	335.0	19654	6807	17730	6479	0.2	0.1	99.9
NJ CAMDEN	23	66	120.9	271.0	16878	5846	16990	5919	4.6	4.6	99.3
NJ LINDEN	47	28	370.6	460.0	16065	16434	15387	16173	2.5	0.6	99.9
NJ MONTCLAIR	50	56	374.9	243.0	16707	15913	14891	15438	11.9	7.3	99.1
NJ NEW BRUNSWICK	58	8	3.2	223.0	12733	11550	9503	11149	2.4	1.6	97.4
NJ NEWARK	13	33	253.5	500.0	27125	17982	23402	17121	1.3	0.6	100.0
NJ NEWARK	68	44	166.0	439.0	18468	16390	16989	15866	0.3	0.0	99.8
NJ NEWTON	63	61	107.3	223.0	12603	9922	12301	10130	4.4	9.4	96.5
NJ PATERSON	41	42	137.6	421.0	18377	16664	17554	16273	1.6	0.3	99.9
NJ SECAUCUS	9	18	260.5	500.0	27029	17880	22975	16677	3.1	1.0	99.9
NJ TRENTON	52	43	91.6	271.0	15601	9161	13835	8009	6.0	2.7	99.4

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							CURRENT SERVICE		NEW INTERFERENCE		
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NJ VINELAND	65	21	251.3	280.0	19049	6200	18817	6101	8.5	4.9	99.5
NJ WEST MILFORD	66	23	50.0	217.0	4923	5315	3267	2671	1.9	0.7	100.0
NJ WILDWOOD	40	34	50.0	128.0	9506	451	9526	451	7.6	6.2	99.8
NM ALBUQUERQUE	4	48	717.6	1280.0	45878	759	51046	780	0.0	0.0	88.9
NM ALBUQUERQUE	5	44	714.0	1289.0	46093	759	51336	771	0.0	0.0	89.8
NM ALBUQUERQUE	7	8	3.2	1292.0	42113	756	39164	750	0.0	0.0	99.9
NM ALBUQUERQUE	13	9	3.2	1287.0	44426	759	40780	751	0.0	0.0	100.0
NM ALBUQUERQUE	23	24	78.6	1259.0	28250	732	27600	728	0.1	0.0	100.0
NM ALBUQUERQUE	32	31	50.0	1236.0	8703	629	8129	627	0.0	0.0	100.0
NM ALBUQUERQUE	41	40	74.1	1266.0	24511	723	23937	719	0.1	0.2	100.0
NM ALBUQUERQUE	50	49	97.8	1276.0	34693	738	33227	733	0.4	0.1	100.0
NM CARLSBAD	6	40	3694.1	366.0	35448	160	32817	118	0.0	0.0	99.4
NM CLOVIS	12	21	1678.2	204.0	21773	84	10276	82	0.0	0.0	100.0
NM FARMINGTON	12	15	3437.7	125.0	18585	109	16772	103	0.0	0.0	100.0
NM GALLUP	3	29	321.6	33.0	7235	53	8104	56	0.0	0.0	88.9
NM HOBBS	29	30	50.0	159.0	2878	39	2878	39	0.0	0.0	100.0
NM LAS CRUCES	22	16	58.9	137.0	9470	191	8716	128	0.1	0.0	100.0
NM LAS CRUCES	40	28	252.8	134.0	8054	579	7759	571	4.0	16.8	99.9
NM PORTALES	3	33	3806.9	351.0	36368	188	35603	188	0.0	0.0	100.0
NM ROSWELL	8	15	1700.2	536.0	41701	163	40179	161	0.7	0.0	100.0
NM ROSWELL	10	17	1780.8	610.0	44856	182	38778	168	0.0	0.0	100.0
NM ROSWELL	27	26	50.0	115.0	5522	58	5501	58	0.0	0.0	100.0
NM SANTA FE	2	43	769.0	1275.0	46571	760	52848	785	0.0	0.0	88.0
NM SANTA FE	11	16	1429.9	618.0	35917	717	33452	717	0.0	0.0	100.0
NM SILVER CITY	10	12	3.2	485.0	16717	46	13112	42	0.0	0.0	100.0
NV HENDERSON	5	27	5000.0	363.0	23145	732	28041	733	0.0	0.0	79.5
NV LAS VEGAS	3	49	5000.0	387.0	22550	732	31468	738	0.0	0.0	71.6
NV LAS VEGAS	8	7	10.1	610.0	31952	736	27385	733	0.0	0.0	99.8
NV LAS VEGAS	10	11	7.4	372.0	21925	731	19921	730	0.0	0.0	99.8
NV LAS VEGAS	13	17	1780.8	610.0	29218	735	25937	732	0.0	0.0	100.0
NV LAS VEGAS	15	16	64.4	564.0	15837	725	14705	727	0.0	0.4	100.0
NV LAS VEGAS	21	22	50.0	353.0	8873	724	7541	723	0.8	0.2	99.9
NV LAS VEGAS	33	32	77.9	581.0	13237	727	12427	727	0.0	0.0	100.0
NV PARADISE	39	38	68.2	367.0	7920	722	7650	719	0.0	0.0	100.0
NV RENO	2	39	3340.5	656.0	27965	389	35729	452	0.0	0.0	77.5
NV RENO	4	48	634.8	128.0	7394	285	12097	339	0.0	0.0	60.8
NV RENO	5	43	65.4	140.0	4973	263	7943	315	0.0	0.0	62.5
NV RENO	8	9	5.5	893.0	37820	504	34720	494	0.0	0.0	99.7
NV RENO	11	18	895.8	856.0	30674	400	28523	395	0.0	0.0	99.4
NV RENO	21	20	50.0	189.0	5368	267	4923	260	1.3	0.3	99.7
NV RENO	27	26	137.8	891.0	19185	387	17695	379	0.1	0.0	99.9
NY ALBANY	10	26	3141.4	305.0	22203	1318	20153	1234	0.1	0.0	99.9
NY ALBANY	13	4	2.0	357.0	23331	1319	19430	1181	0.3	0.0	99.9

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
NY ALBANY	23	21	210.3	366.0	16624	1174	15747	1138	3.9	1.9	99.7
NY AMSTERDAM	55	49	337.9	223.0	9910	893	9254	849	0.0	0.0	100.0
NY BATH	14	20	50.0	318.0	13494	385	12553	312	2.2	2.1	99.7
NY BINGHAMTON	12	8	3.3	369.0	23610	873	22593	775	0.3	0.8	98.4
NY BINGHAMTON	34	4	1.0	281.0	15534	664	12914	474	9.2	3.5	99.9
NY BINGHAMTON	40	42	50.0	375.0	13553	503	12209	458	1.0	0.3	100.0
NY BINGHAMTON	46	7	3.2	375.0	15653	668	12892	492	2.9	1.0	100.0
NY BUFFALO	2	45	4726.8	287.0	32881	2225	27411	1723	0.1	0.0	99.3
NY BUFFALO	4	38	4261.7	366.0	34830	1863	32995	1924	0.6	0.2	98.6
NY BUFFALO	7	42	454.7	433.0	27225	1829	22065	1536	2.4	1.2	99.7
NY BUFFALO	17	15	144.3	330.0	19925	1374	19608	1361	0.7	0.4	100.0
NY BUFFALO	23	14	50.0	314.0	15588	1314	15264	1305	3.0	1.2	99.9
NY BUFFALO	29	33	51.4	280.0	15405	1311	15323	1307	4.8	2.4	100.0
NY BUFFALO	49	43	405.2	376.0	18058	1465	18045	1467	0.4	0.1	98.1
NY CARTHAGE	7	25	3437.4	221.0	24527	278	22660	256	1.8	1.5	99.9
NY CORNING	48	26	50.0	166.0	2580	118	2013	89	0.5	2.6	100.0
NY ELMIRA	18	50	50.0	372.0	10007	342	8475	273	1.0	2.0	100.0
NY ELMIRA	36	25	50.0	320.0	11727	388	10596	325	0.6	0.2	98.5
NY GARDEN CITY	21	17	146.3	122.0	9961	12113	8646	11152	3.8	4.1	99.8
NY JAMESTOWN	26	27	50.0	180.0	7497	203	6104	163	12.4	4.0	99.6
NY KINGSTON	62	69	475.1	591.0	20997	2261	17347	1626	0.0	0.0	99.9
NY NEW YORK	2	51	504.4	482.0	27100	17870	24484	17005	2.1	0.4	97.1
NY NEW YORK	4	34	383.3	515.0	28996	18205	25481	17227	0.6	0.1	96.5
NY NEW YORK	5	45	383.3	515.0	29272	18216	25473	17202	1.2	0.2	98.6
NY NEW YORK	7	22	275.1	491.0	26965	17964	24135	17167	1.0	0.3	99.3
NY NEW YORK	11	27	246.5	506.0	27501	18026	23479	17128	3.4	1.9	100.0
NY NEW YORK	25	40	142.8	395.0	17823	16535	17556	16480	0.1	2.4	99.8
NY NEW YORK	31	38	192.7	475.0	17976	16428	17818	16354	0.9	2.3	98.2
NY NORWOOD	18	15	50.0	243.0	12272	142	11656	130	0.0	0.0	100.0
NY PLATTSBURGH	57	50	50.0	741.0	16461	280	15743	274	0.0	0.0	99.9
NY POUGHKEEPSIE	54	52	412.6	490.0	19037	2524	16210	1900	0.2	0.2	99.6
NY RIVERHEAD	55	10	3.2	194.0	11081	3494	10935	3499	0.9	4.2	99.6
NY ROCHESTER	8	39	3437.7	152.0	20989	1171	18170	1097	2.0	2.1	99.9
NY ROCHESTER	10	32	3437.7	152.0	21151	1172	17574	1077	0.0	0.0	100.0
NY ROCHESTER	13	59	3437.7	152.0	21335	1183	17107	1096	0.0	0.0	100.0
NY ROCHESTER	21	16	50.0	152.0	8938	989	9362	999	0.0	0.0	94.9
NY ROCHESTER	31	28	50.0	152.0	11220	1007	11065	991	0.5	0.9	100.0
NY SCHENECTADY	6	34	5000.0	311.0	26743	1459	26139	1432	1.0	0.5	95.7
NY SCHENECTADY	17	43	171.4	299.0	16145	1157	15825	1131	4.5	2.3	99.6
NY SCHENECTADY	45	25	204.9	338.0	15211	1143	14609	1080	2.2	2.3	98.6
NY SMITHTOWN	67	36	120.2	219.0	12508	3686	12084	3179	0.4	0.1	99.9
NY SYRACUSE	3	29	5000.0	305.0	31370	1520	26554	1279	0.1	0.1	99.6

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
NY SYRACUSE	5	47	5000.0	290.0	29594	1428	26725	1330	0.9	0.4	99.2
NY SYRACUSE	9	41	326.2	462.0	24593	1290	21461	1205	1.9	0.5	99.7
NY SYRACUSE	24	23	146.1	422.0	21731	1204	21022	1210	1.4	5.6	99.3
NY SYRACUSE	43	44	50.0	432.0	14699	1037	13714	977	1.9	2.8	100.0
NY SYRACUSE	68	35	50.0	448.0	18762	1141	17590	1091	0.0	0.0	100.0
NY UTICA	2	39	1252.5	421.0	26141	1134	22944	689	1.0	0.4	96.3
NY UTICA	20	27	50.0	244.0	12664	454	11853	425	2.7	0.5	100.0
NY UTICA	33	22	50.0	197.0	3746	306	3164	271	0.2	0.0	100.0
NY WATERTOWN	16	17	50.0	369.0	15527	194	15052	189	1.7	2.3	99.7
NY WATERTOWN	50	51	50.0	387.0	15349	180	14955	177	4.1	2.6	100.0
OH AKRON	23	58	374.9	293.0	20433	3711	20112	3577	0.0	0.0	97.8
OH AKRON	49	48	50.0	299.0	14134	3226	13817	3141	5.2	13.0	99.9
OH AKRON	55	31	370.6	356.0	20759	3589	19934	3533	1.6	1.5	99.9
OH ALLIANCE	45	46	81.0	253.0	15109	2218	13751	1954	5.3	4.2	100.0
OH ATHENS	20	27	50.0	244.0	13303	463	12963	447	1.7	1.2	100.0
OH BOWLING GREEN	27	20	50.0	320.0	15796	1043	16004	1108	0.0	0.0	98.7
OH CAMBRIDGE	44	35	50.0	393.0	16140	614	15147	567	1.2	0.9	100.0
OH CANTON	17	59	50.0	137.0	8475	1277	7854	1215	0.6	0.2	99.7
OH CANTON	67	47	50.0	88.0	8741	1312	8648	1319	0.0	0.0	99.1
OH CHILLICOTHE	53	44	155.1	207.0	12292	1383	11709	1351	4.5	1.1	99.7
OH CINCINNATI	5	39	4338.6	305.0	33513	3123	27995	2865	0.0	0.0	100.0
OH CINCINNATI	9	10	5.9	305.0	23042	2492	24011	2788	9.0	6.6	91.0
OH CINCINNATI	12	31	1845.6	305.0	28880	2933	25735	2820	13.2	16.6	100.0
OH CINCINNATI	48	29	124.1	326.0	19061	2333	18032	2208	7.6	6.9	99.9
OH CINCINNATI	64	33	373.6	337.0	23578	2833	22272	2793	0.6	2.6	100.0
OH CLEVELAND	3	41	4633.3	305.0	33682	4189	28663	3753	0.0	0.0	99.4
OH CLEVELAND	5	39	4112.9	311.0	33596	4111	26595	3659	0.0	0.0	100.0
OH CLEVELAND	8	4	2.8	305.0	24845	3678	26086	3633	0.0	0.0	89.3
OH CLEVELAND	25	53	112.3	304.0	16055	3148	15099	2990	11.7	5.0	98.4
OH CLEVELAND	61	28	111.0	354.0	19829	3406	20095	3415	1.0	2.7	97.9
OH COLUMBUS	4	12	15.7	274.0	24341	1947	21181	1865	0.9	0.6	94.9
OH COLUMBUS	6	13	15.5	286.0	24537	2040	22889	1849	3.3	2.5	95.0
OH COLUMBUS	10	11	5.6	271.0	22566	1928	22887	1921	7.4	6.3	94.7
OH COLUMBUS	28	56	98.3	293.0	16848	1654	16762	1645	6.0	3.3	96.9
OH COLUMBUS	34	36	50.0	329.0	7406	1230	7386	1226	4.2	1.1	100.0
OH DAYTON	2	50	4315.3	305.0	33551	3475	23929	3057	0.0	0.0	99.9
OH DAYTON	7	57	889.2	348.0	28068	3173	22920	3055	0.0	0.0	99.8
OH DAYTON	16	41	73.0	350.0	18229	2710	17793	2596	0.7	3.9	98.2
OH DAYTON	22	3	1.0	351.0	18714	2452	19134	2698	0.6	1.4	92.6
OH DAYTON	45	58	357.7	357.0	20816	2970	19098	2749	3.4	0.5	99.9
OH LIMA	35	46	50.0	165.0	10392	436	10176	428	0.6	0.4	100.0
OH LIMA	44	19	50.0	207.0	12260	488	12162	486	0.8	0.3	100.0
OH LORAIN	43	2	1.0	336.0	17232	3105	19513	3321	8.3	5.1	87.4

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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
OH MANSFIELD	68	38	50.0	180.0	8741	418	8467	410	0.0	0.0	100.0
OH NEWARK	51	24	50.0	189.0	9172	1114	8670	1072	0.1	0.0	100.0
OH OXFORD	14	28	50.0	91.0	5479	1014	5125	907	1.2	3.5	100.0
OH PORTSMOUTH	30	23	63.4	237.0	14382	492	13880	450	4.1	2.0	99.2
OH PORTSMOUTH	42	17	50.0	382.0	15188	530	14315	462	4.8	2.8	100.0
OH SANDUSKY	52	15	56.9	236.0	14234	700	14370	716	1.3	9.7	99.0
OH SHAKER HEIGHTS	19	20	238.0	351.0	20168	3413	17482	3042	0.6	0.6	99.5
OH SPRINGFIELD	26	18	50.0	149.0	11675	1264	11639	1262	2.3	3.7	99.6
OH STEUBENVILLE	9	57	2226.0	290.0	27632	3580	21971	2697	0.0	0.0	99.7
OH TOLEDO	11	66	1639.4	305.0	29050	4252	26947	4003	3.8	0.6	100.0
OH TOLEDO	13	42	1606.4	305.0	24858	2537	22691	2290	3.7	1.1	99.5
OH TOLEDO	24	34	329.2	424.0	22776	2105	22467	2084	5.5	1.3	100.0
OH TOLEDO	30	29	50.0	314.0	15911	1668	15847	1663	0.4	0.1	100.0
OH TOLEDO	36	17	103.1	372.0	17431	1388	17260	1381	5.8	2.2	100.0
OH TOLEDO	40	6	1.0	198.0	13622	1049	14630	1097	0.0	0.0	91.8
OH YOUNGSTOWN	21	36	248.3	302.0	20004	2521	18221	1863	7.8	6.9	100.0
OH YOUNGSTOWN	27	29	50.0	436.0	19382	2442	18680	2270	3.7	7.5	100.0
OH YOUNGSTOWN	33	34	50.0	177.0	11288	1186	11127	1166	4.5	4.5	100.0
OH ZANESVILLE	18	40	50.0	162.0	10174	370	9911	361	2.0	3.4	100.0
OK ADA	10	26	1572.2	445.0	37131	454	32793	388	0.0	0.0	100.0
OK ARDMORE	12	20	1105.7	543.0	39729	760	30153	392	0.0	0.0	100.0
OK BARTLESVILLE	17	29	265.0	316.0	15272	784	14813	771	8.6	2.9	99.4
OK CHEYENNE	12	8	6.0	299.0	27574	95	23225	79	0.0	0.0	100.0
OK CLAREMORE	35	36	143.8	256.0	14126	784	14054	782	2.2	1.7	99.9
OK ENID	20	7	3.2	136.0	6526	70	6525	70	1.8	0.5	100.0
OK EUFAULA	3	32	3315.6	399.0	35186	641	25160	347	0.0	0.0	98.7
OK LAWTON	7	22	1584.6	320.0	29935	392	27285	378	0.3	0.1	100.0
OK OKLAHOMA CITY	4	46	3491.7	469.0	42769	1363	38754	1297	0.0	0.0	99.1
OK OKLAHOMA CITY	5	28	3291.2	464.0	38888	1316	33861	1238	0.0	0.0	100.0
OK OKLAHOMA CITY	9	21	1575.1	465.0	37950	1300	34192	1262	0.2	0.1	100.0
OK OKLAHOMA CITY	13	27	1575.1	465.0	37933	1299	32525	1237	0.0	0.0	100.0
OK OKLAHOMA CITY	14	18	50.0	344.0	15271	1013	15292	1013	2.1	0.8	99.8
OK OKLAHOMA CITY	25	24	231.2	469.0	24123	1135	24048	1134	0.2	0.1	100.0
OK OKLAHOMA CITY	34	33	52.9	369.0	18427	1075	18381	1075	0.0	0.0	100.0
OK OKLAHOMA CITY	43	16	116.3	475.0	24434	1137	24153	1133	4.0	1.2	100.0
OK OKLAHOMA CITY	52	17	50.0	183.0	12313	999	12325	999	0.0	0.0	99.4
OK OKLAHOMA CITY	62	40	50.0	144.0	5006	843	4936	842	0.0	0.0	100.0
OK OKMULGEE	44	45	50.0	164.0	9916	667	9258	656	3.5	4.5	100.0
OK TULSA	2	50	3916.3	558.0	48302	1267	40216	1160	0.0	0.0	100.0
OK TULSA	6	49	3917.7	573.0	49329	1286	38744	1100	0.0	0.0	100.0
OK TULSA	8	15	1724.4	578.0	43290	1177	36759	1098	0.0	0.0	100.0
OK TULSA	11	38	1601.1	521.0	40699	1149	35480	1081	0.0	0.0	100.0
OK TULSA	23	22	223.5	399.0	24322	973	24236	974	1.2	0.9	99.2

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OK TULSA	41	42	69.6	460.0	22000	925	21371	920	0.0	0.0	100.0
OK TULSA	47	48	90.5	460.0	19240	897	19079	894	1.0	0.1	99.8
OK TULSA	53	31	417.2	460.0	28917	1023	28462	1018	0.0	0.0	99.1
OR BEND	3	43	3632.4	227.0	19290	104	22425	104	0.0	0.0	85.2
OR BEND	21	11	3.2	197.0	5857	86	5177	80	0.0	0.0	100.0
OR COOS BAY	11	21	50.0	192.0	9136	67	8889	65	0.0	0.0	100.0
OR COOS BAY	23	22	50.0	190.0	2760	51	2376	46	2.2	0.6	100.0
OR CORVALLIS	7	14	2632.2	375.0	26518	1135	23748	832	0.0	0.0	99.5
OR EUGENE	9	19	1780.7	539.0	32415	683	29222	565	0.0	0.0	99.5
OR EUGENE	13	18	1575.9	451.0	28578	668	25309	505	0.0	0.0	99.7
OR EUGENE	16	24	116.0	512.0	16247	405	15860	404	1.1	0.5	99.1
OR EUGENE	28	29	50.0	276.0	8539	321	7744	313	0.0	0.0	100.0
OR EUGENE	34	33	192.2	259.0	9217	385	8868	379	0.0	0.0	100.0
OR KLAMATH FALLS	2	40	3219.5	671.0	37253	88	44737	156	0.0	0.0	82.3
OR KLAMATH FALLS	22	16	50.0	656.0	7181	56	5802	55	0.0	0.0	100.0
OR KLAMATH FALLS	31	30	50.0	691.0	5263	55	4493	54	0.0	0.0	100.0
OR LA GRANDE	13	8	3.2	787.0	19450	46	14822	40	0.0	0.0	100.0
OR MEDFORD	5	42	2105.2	823.0	36936	323	45555	370	0.0	0.0	81.1
OR MEDFORD	8	15	973.9	818.0	34941	330	33404	322	0.0	0.0	99.7
OR MEDFORD	10	20	627.5	1009.0	35171	276	34422	271	0.0	0.0	99.5
OR MEDFORD	12	17	973.9	823.0	34625	329	31923	318	0.0	0.0	100.0
OR MEDFORD	26	27	50.0	428.0	6224	158	5583	148	0.0	0.0	100.0
OR PORTLAND	2	46	3531.7	475.0	31516	2001	36124	1990	0.0	0.0	86.6
OR PORTLAND	6	40	3898.3	533.0	33866	2024	36747	2008	0.0	0.0	90.9
OR PORTLAND	8	26	1648.9	539.0	31070	1983	28169	1838	0.1	0.0	99.6
OR PORTLAND	10	42	1617.6	530.0	29768	1957	29225	1894	0.0	0.0	98.5
OR PORTLAND	12	17	1651.3	543.0	31220	1963	28888	1885	0.0	0.0	100.0
OR PORTLAND	24	36	180.7	463.0	17844	1781	16922	1751	3.2	1.4	100.0
OR ROSEBURG	4	39	75.9	305.0	10166	81	12935	96	0.0	0.0	78.6
OR ROSEBURG	36	25	50.0	211.0	3808	68	3052	63	0.4	0.1	100.0
OR ROSEBURG	46	45	50.0	109.0	2205	64	1799	58	1.2	0.4	100.0
OR SALEM	22	20	97.4	363.0	17091	1832	15836	1404	3.5	10.1	100.0
OR SALEM	32	31	458.3	544.0	24151	1919	22831	1852	0.4	0.6	100.0
PA ALLENTOWN	39	53	50.0	302.0	12244	2632	11405	2542	8.1	16.3	99.3
PA ALLENTOWN	69	67	50.0	313.0	12230	2492	11045	2334	1.4	4.1	99.9
PA ALTOONA	10	41	2283.9	338.0	22732	812	21060	765	0.0	0.0	99.0
PA ALTOONA	23	49	50.0	324.0	6717	339	5279	276	0.4	0.1	100.0
PA ALTOONA	47	48	75.7	308.0	13090	562	12147	517	1.6	1.0	100.0
PA BETHLEHEM	60	24	50.0	225.0	4138	815	3338	714	4.8	4.7	100.0
PA CLEARFIELD	3	7	15.7	268.0	27196	738	25601	706	0.0	0.0	97.6
PA ERIE	12	32	2817.1	305.0	28392	737	24609	666	0.0	0.0	100.0
PA ERIE	24	52	50.0	290.0	12095	460	12534	448	0.1	0.0	100.0
PA ERIE	35	16	50.0	287.0	11158	430	10841	420	0.5	0.6	100.0

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					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
PA ERIE	54	50	50.0	268.0	13600	435	13944	441	0.7	0.6	96.6
PA ERIE	66	30	50.0	271.0	11750	425	11279	408	1.9	1.4	100.0
PA GREENSBURG	40	51	50.3	299.0	13994	2535	13951	2538	2.2	4.0	98.1
PA HARRISBURG	21	4	1.0	372.0	17302	1702	15458	1624	4.2	3.5	96.9
PA HARRISBURG	27	61	114.4	346.0	14897	1589	14955	1596	2.5	1.7	97.7
PA HARRISBURG	33	34	53.5	427.0	17362	1805	17044	1768	15.4	16.0	98.5
PA HAZLETON	56	5	1.0	329.0	13323	952	9258	538	2.8	1.1	99.8
PA JOHNSTOWN	6	28	4479.8	341.0	29051	2766	27793	2676	0.1	0.0	97.8
PA JOHNSTOWN	8	58	1518.6	368.0	21779	2603	19405	2285	0.0	0.0	99.3
PA JOHNSTOWN	19	30	95.1	363.0	16823	2094	15963	1863	0.0	0.0	98.6
PA LANCASTER	8	58	512.3	415.0	25001	3749	22163	2780	1.6	1.8	99.4
PA LANCASTER	15	63	50.0	415.0	16385	2016	16308	1965	6.1	3.5	97.7
PA PHILADELPHIA	3	64	4627.7	305.0	33034	9506	26070	7557	0.0	0.0	99.9
PA PHILADELPHIA	6	46	2885.3	332.0	32543	9301	27489	7754	0.8	0.2	99.7
PA PHILADELPHIA	10	59	920.0	354.0	26686	8144	24032	7207	0.2	0.2	99.0
PA PHILADELPHIA	17	55	131.9	320.0	18783	6663	18522	6598	3.9	1.5	100.0
PA PHILADELPHIA	29	30	376.0	347.0	22567	7471	22563	7298	6.2	1.5	96.9
PA PHILADELPHIA	35	54	88.6	284.0	11660	5578	11669	5676	16.4	11.0	98.0
PA PHILADELPHIA	57	32	367.4	353.0	18658	6875	17028	6387	4.0	0.8	99.8
PA PITTSBURGH	2	25	4549.5	302.0	30756	3650	27041	3346	1.9	1.8	99.3
PA PITTSBURGH	4	50	4441.2	293.0	30917	3298	25618	3078	1.0	0.5	99.2
PA PITTSBURGH	11	38	1986.6	302.0	26425	3431	23290	3100	0.1	0.0	100.0
PA PITTSBURGH	13	26	3315.3	210.0	23674	3118	20159	2903	0.2	0.0	100.0
PA PITTSBURGH	16	54	50.0	215.0	11160	2438	11048	2423	0.7	0.2	99.4
PA PITTSBURGH	22	42	373.6	280.0	15066	2667	13641	2526	0.9	3.4	100.0
PA PITTSBURGH	53	43	131.3	312.0	17794	2839	17115	2763	4.7	3.2	99.9
PA READING	51	25	414.9	395.0	20082	6868	17633	5229	13.4	16.1	98.5
PA RED LION	49	47	50.0	177.0	10108	1531	9209	1378	3.6	3.6	99.2
PA SCRANTON	16	9	3.2	506.0	21064	1630	16763	1223	4.9	8.9	99.5
PA SCRANTON	22	11	3.2	505.0	24155	1832	20308	1494	5.1	10.1	98.8
PA SCRANTON	38	2	1.0	385.0	18459	1081	14045	814	10.7	5.7	99.4
PA SCRANTON	44	41	51.0	509.0	16026	1241	15142	1104	4.0	4.2	97.5
PA SCRANTON	64	31	50.0	374.0	3899	502	2930	455	7.3	1.5	100.0
PA WILKES-BARRE	28	13	3.2	509.0	24079	1825	21142	1595	6.3	7.2	98.0
PA WILLIAMSPORT	53	17	50.0	222.0	3914	165	2606	121	0.2	0.0	100.0
PA YORK	43	42	120.4	415.0	20891	3106	18497	2460	4.4	7.5	100.0
RI BLOCK ISLAND	69	21	183.6	213.0	13118	1702	12710	1648	0.7	0.4	99.4
RI PROVIDENCE	10	15	1743.9	305.0	26515	5622	24094	5219	4.5	1.6	99.5
RI PROVIDENCE	12	13	5.8	305.0	27386	5977	26294	5503	4.8	1.4	99.2
RI PROVIDENCE	36	41	50.0	182.0	12112	3069	11271	2595	13.6	10.6	100.0
RI PROVIDENCE	64	19	240.0	315.0	16789	4069	15421	3023	4.6	7.6	99.6
SC ALLENDALE	14	33	50.0	244.0	12330	271	12307	268	0.6	0.5	99.9
SC ANDERSON	40	41	149.1	311.0	15845	1026	15052	989	0.2	0.0	99.7

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
SC BEAUFORT	16	18	50.0	390.0	18136	627	18124	627	0.1	0.1	100.0
SC CHARLESTON	2	41	3916.4	594.0	51200	995	45970	825	0.0	0.0	100.0
SC CHARLESTON	4	51	3913.3	597.0	51449	976	42310	717	0.0	0.0	100.0
SC CHARLESTON	5	47	3913.3	597.0	51543	989	46902	833	0.0	0.0	100.0
SC CHARLESTON	7	32	1643.2	564.0	33395	826	30944	757	0.0	0.0	100.0
SC CHARLESTON	24	42	411.5	542.0	27415	667	26294	642	0.0	0.0	100.0
SC CHARLESTON	36	35	50.0	233.0	10996	481	10996	481	0.0	0.0	100.0
SC COLUMBIA	10	8	7.6	472.0	35450	1322	33935	1224	8.9	8.6	98.4
SC COLUMBIA	19	50	413.5	533.0	27196	1012	26332	971	0.4	0.0	99.9
SC COLUMBIA	25	23	229.3	253.0	16321	761	15180	743	0.7	0.3	99.2
SC COLUMBIA	35	34	50.0	314.0	14243	723	14075	717	8.2	3.7	99.8
SC COLUMBIA	57	48	284.6	193.0	14152	729	14011	728	0.2	0.1	100.0
SC CONWAY	23	45	73.5	250.0	15290	424	14818	408	0.0	0.1	100.0
SC FLORENCE	13	56	1745.3	594.0	44181	1428	39658	1319	0.0	0.0	100.0
SC FLORENCE	15	14	67.6	594.0	26530	979	26348	969	0.8	0.4	100.0
SC FLORENCE	21	20	127.8	567.0	21284	732	20781	721	0.0	0.0	100.0
SC FLORENCE	33	17	50.0	241.0	12355	377	12120	375	0.0	0.0	100.0
SC GREENVILLE	4	60	3917.3	610.0	42709	1980	39512	1776	0.0	0.0	94.0
SC GREENVILLE	16	35	50.0	351.0	14943	1051	15069	1049	0.1	0.0	97.7
SC GREENVILLE	29	2	1.0	392.0	21173	1279	19281	1180	1.6	1.2	98.9
SC GREENWOOD	38	52	76.2	235.0	14773	793	14632	768	2.9	3.0	100.0
SC HARDEEVILLE	28	27	415.3	457.0	24200	560	24153	559	0.1	0.0	100.0
SC MYRTLE BEACH	43	30	50.0	183.0	8623	199	8623	199	0.0	0.0	100.0
SC ROCK HILL	30	31	50.0	210.0	11648	1016	11280	993	5.4	2.6	99.6
SC ROCK HILL	55	28	413.1	570.0	32899	2332	31207	2273	7.4	6.2	99.8
SC SPARTANBURG	7	56	1780.8	610.0	39690	2259	38858	2202	0.0	0.0	98.6
SC SPARTANBURG	49	43	86.2	296.0	16934	1121	16501	1074	5.1	5.8	99.9
SC SUMTER	27	29	50.0	354.0	16419	669	15913	519	2.6	1.0	100.0
SC SUMTER	63	40	50.0	165.0	2622	121	2591	121	0.0	0.0	100.0
SD ABERDEEN	9	22	1574.9	427.0	34680	133	28761	112	0.0	0.0	100.0
SD ABERDEEN	16	17	65.0	357.0	18671	70	18002	65	7.3	6.8	100.0
SD BROOKINGS	8	26	2359.5	229.0	24444	138	20463	128	0.0	0.0	100.0
SD EAGLE BUTTE	13	19	1653.6	518.0	40277	20	34958	17	0.0	0.0	100.0
SD FLORENCE	3	32	3675.5	512.0	46183	202	44377	199	0.0	0.0	100.0
SD HURON	12	21	2622.7	259.0	27093	81	21771	70	0.0	0.0	100.0
SD LEAD	5	51	3917.6	564.0	45844	148	44876	150	0.0	0.0	97.8
SD LEAD	11	24	1780.8	576.0	41626	146	39252	146	0.7	0.2	100.0
SD LOWRY	11	15	1167.8	317.0	28173	29	21623	24	0.0	0.0	100.0
SD MARTIN	8	22	2625.3	265.0	26167	29	23673	25	0.0	0.0	100.0
SD MITCHELL	5	48	3295.6	460.0	42530	379	38561	345	0.0	0.0	100.0
SD PIERRE	4	28	3625.6	378.0	37396	52	33013	47	0.0	0.0	100.0
SD PIERRE	10	14	1606.6	488.0	39320	63	32322	55	0.0	0.0	100.0
SD RAPID CITY	3	33	5000.0	201.0	25156	130	24275	130	0.0	0.0	96.7

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							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
SD RAPID CITY	7	17	2782.9	204.0	21250	123	18383	118	0.0	0.0	100.0
SD RAPID CITY	9	18	147.0	198.0	13802	107	13003	107	0.0	0.0	99.4
SD RAPID CITY	15	14	50.0	155.0	9473	101	9236	98	4.4	0.7	99.8
SD RELIANCE	6	45	3036.3	338.0	35350	59	32529	56	0.0	0.0	99.9
SD SIOUX FALLS	11	30	1764.3	610.0	43682	483	34266	413	0.0	0.0	100.0
SD SIOUX FALLS	13	29	1764.3	610.0	44350	514	35390	419	0.0	0.0	100.0
SD SIOUX FALLS	17	15	50.0	151.0	5958	152	5942	152	0.1	0.0	100.0
SD SIOUX FALLS	23	24	50.0	54.0	1411	120	1411	120	0.1	0.0	100.0
SD VERMILLION	2	39	5000.0	232.0	29951	441	29253	439	0.0	0.0	99.9
TN CHATTANOOGA	3	49	5000.0	320.0	29105	1109	27543	1021	0.0	0.0	96.0
TN CHATTANOOGA	9	56	3414.2	317.0	25295	1017	22050	889	0.0	0.0	99.6
TN CHATTANOOGA	12	41	3088.7	384.0	29528	1123	26063	999	1.6	1.1	99.5
TN CHATTANOOGA	45	44	86.4	329.0	15572	754	14939	732	3.0	3.8	99.5
TN CHATTANOOGA	61	40	315.4	370.0	16765	793	15716	752	0.0	0.0	98.5
TN CLEVELAND	53	21	60.2	356.0	12764	735	11670	700	0.4	0.7	99.9
TN COOKEVILLE	22	52	68.9	425.0	18957	321	18766	319	1.0	1.2	99.9
TN COOKEVILLE	28	11	3.2	279.0	10631	198	9523	188	4.5	3.5	100.0
TN CROSSVILLE	20	35	50.0	48.0	1251	31	1174	30	0.2	0.0	100.0
TN GREENEVILLE	39	42	254.4	802.0	21581	1081	20178	983	0.7	0.6	99.7
TN HENDERSONVILLE	50	14	298.0	235.0	13049	1015	12512	989	4.9	4.7	99.9
TN JACKSON	7	28	1590.8	323.0	29494	563	25769	509	0.0	0.0	100.0
TN JACKSON	16	38	338.8	322.0	18466	414	18352	413	4.8	2.7	100.0
TN JELLICO	54	33	50.0	395.0	5477	266	4195	201	0.9	3.3	100.0
TN JOHNSON CITY	11	12	8.1	707.0	33501	1140	30229	1025	0.1	0.0	98.5
TN KINGSPORT	19	20	76.3	707.0	18281	705	17398	685	0.7	0.5	99.5
TN KNOXVILLE	6	51	3411.6	454.0	32786	1213	33498	1190	0.0	0.0	91.5
TN KNOXVILLE	8	30	1490.1	382.0	21470	976	20100	940	0.0	0.0	99.7
TN KNOXVILLE	10	31	1608.7	546.0	33798	1216	30251	1122	0.7	0.4	99.6
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	17785	894	0.1	0.0	99.9
TN KNOXVILLE	43	17	118.2	351.0	14791	832	13940	808	1.6	1.4	100.0
TN LEBANON	66	32	92.9	161.0	10088	935	9326	892	0.0	0.0	99.5
TN LEXINGTON	11	41	3324.7	195.0	23965	476	20661	419	0.1	0.0	100.0
TN MEMPHIS	3	43	4148.7	305.0	33307	1436	24966	1294	0.0	0.0	100.0
TN MEMPHIS	5	34	4047.7	308.0	33881	1448	29716	1381	0.0	0.0	100.0
TN MEMPHIS	10	29	1538.6	329.0	29871	1365	24936	1277	0.0	0.0	100.0
TN MEMPHIS	13	33	1675.0	308.0	28827	1345	25718	1299	0.0	0.0	100.0
TN MEMPHIS	24	23	184.7	308.0	19585	1168	19503	1167	1.6	0.2	100.0
TN MEMPHIS	30	31	369.9	305.0	17030	1119	16955	1118	0.6	0.1	100.0
TN MEMPHIS	50	21	50.0	315.0	16502	1135	16408	1134	1.5	0.2	100.0
TN MURFREESBORO	39	23	361.0	250.0	15406	1092	14661	1065	3.1	2.5	99.9
TN NASHVILLE	2	47	3277.0	411.0	38177	1654	32832	1476	0.0	0.0	99.8
TN NASHVILLE	4	42	3203.5	434.0	39763	1671	35192	1571	0.0	0.0	99.9
TN NASHVILLE	5	46	3297.7	425.0	39656	1695	34091	1564	0.0	0.0	99.9

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							CURRENT SERVICE		NEW INTERFERENCE		
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TN NASHVILLE	8	55	1539.7	390.0	32195	1494	29216	1428	0.2	0.2	99.9
TN NASHVILLE	17	26	206.3	354.0	22119	1304	21847	1298	0.8	0.2	99.9
TN NASHVILLE	30	10	3.2	430.0	23789	1360	23218	1350	0.8	0.2	100.0
TN NASHVILLE	58	43	234.1	240.0	13729	1064	14212	1086	0.6	1.7	94.3
TN SNEEDVILLE	2	24	3917.7	536.0	39891	1719	39669	1663	0.8	1.4	94.7
TX ABILENE	9	10	5.8	259.0	25559	217	20324	204	2.2	1.0	99.0
TX ABILENE	32	33	106.9	280.0	17066	179	17001	179	1.9	0.9	100.0
TX ALVIN	67	42	413.1	543.0	25783	3766	25880	3767	0.0	0.0	99.6
TX AMARILLO	2	40	3440.9	401.0	38421	317	36525	311	0.0	0.0	99.9
TX AMARILLO	4	24	3511.9	433.0	40858	325	39298	324	0.0	0.0	100.0
TX AMARILLO	7	17	1654.1	518.0	40040	319	35862	316	0.0	0.0	100.0
TX AMARILLO	10	9	7.9	466.0	36964	314	33342	304	0.0	0.0	100.0
TX AMARILLO	14	16	67.5	464.0	21604	282	21493	282	0.0	0.0	100.0
TX ARLINGTON	68	45	394.6	421.0	22774	3971	22508	3965	0.0	0.0	100.0
TX AUSTIN	7	59	1549.7	384.0	32139	1334	30108	1264	0.8	2.2	100.0
TX AUSTIN	18	22	98.9	335.0	17057	895	16894	892	0.0	0.0	100.0
TX AUSTIN	24	33	114.0	387.0	21141	965	19569	941	1.5	0.3	100.0
TX AUSTIN	36	21	117.9	392.0	21343	967	20272	930	0.2	0.0	100.0
TX AUSTIN	42	43	159.8	393.0	17498	899	17409	899	1.3	0.1	98.5
TX AUSTIN	54	49	191.9	267.0	14242	877	13240	863	2.7	0.3	100.0
TX BAYTOWN	57	43	409.1	585.0	28849	3654	28813	3651	0.0	0.0	100.0
TX BEAUMONT	6	50	4147.1	293.0	34052	702	29150	642	0.0	0.0	100.0
TX BEAUMONT	12	21	1597.9	305.0	27420	649	24276	601	0.0	0.0	100.0
TX BEAUMONT	34	33	50.0	312.0	13946	538	13946	538	0.0	0.0	100.0
TX BELTON	46	47	50.0	384.0	16031	642	15413	576	1.5	6.1	100.0
TX BIG SPRING	4	49	286.9	116.0	12240	56	12111	56	0.0	0.0	99.9
TX BLANCO	52	45	417.2	498.0	31155	2233	29868	2182	5.1	21.5	100.0
TX BROWNSVILLE	23	58	164.7	445.0	18484	666	18484	666	0.0	0.1	100.0
TX BRYAN	3	41	2359.3	515.0	42528	2841	30232	520	0.0	0.0	99.7
TX BRYAN	28	29	50.0	153.0	6744	157	6733	157	0.0	0.0	100.0
TX COLLEGE STATION	15	23	50.0	119.0	3410	130	3410	130	14.9	1.1	100.0
TX CONROE	49	5	1.0	359.0	16561	3380	14159	2264	1.0	0.0	100.0
TX CONROE	55	32	374.9	302.0	21979	3249	21928	3248	0.0	0.0	100.0
TX CORPUS CHRISTI	3	43	4647.9	262.0	31487	490	30545	489	0.0	0.0	100.0
TX CORPUS CHRISTI	6	47	4206.7	291.0	29036	495	28243	490	0.0	0.0	100.0
TX CORPUS CHRISTI	10	32	1858.0	287.0	28050	493	27256	490	0.3	0.0	100.0
TX CORPUS CHRISTI	16	22	64.4	296.0	13621	442	13621	442	0.0	0.0	100.0
TX CORPUS CHRISTI	28	27	55.3	232.0	10458	417	10458	417	0.0	0.0	100.0
TX DALLAS	4	35	3846.9	511.0	46883	4409	41805	4285	0.0	0.0	100.0
TX DALLAS	8	9	8.2	512.0	39667	4195	36852	4160	0.0	0.0	99.9
TX DALLAS	13	14	1574.9	469.0	39003	4204	35042	4143	0.0	0.0	100.0
TX DALLAS	27	18	413.1	515.0	26608	4032	26441	4030	2.3	0.2	100.0
TX DALLAS	33	32	413.1	518.0	27206	4037	26823	4032	2.1	0.3	100.0

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TX DALLAS	39	38	355.9	512.0	25725	4019	25520	4016	1.4	0.1	100.0
TX DALLAS	58	36	417.2	438.0	23605	3971	23458	3971	0.1	0.0	99.9
TX DECATUR	29	30	173.7	160.0	10986	3678	11473	3697	4.0	0.7	95.4
TX DEL RIO	10	13	6.3	352.0	21450	99	19950	99	0.0	0.0	99.8
TX DENTON	2	31	3275.9	412.0	40386	4218	37791	4179	0.0	0.0	100.0
TX EAGLE PASS	16	18	50.0	85.0	1957	35	1957	35	0.0	0.0	100.0
TX EL PASO	4	50	5000.0	475.0	39091	722	39727	722	0.0	0.0	97.4
TX EL PASO	7	53	3437.7	265.0	24972	722	23682	722	0.0	0.0	99.7
TX EL PASO	9	36	2010.2	582.0	40618	725	37799	724	0.0	0.0	99.9
TX EL PASO	13	54	2282.7	265.0	23115	720	22034	720	0.0	0.0	99.7
TX EL PASO	14	60	50.0	604.0	18187	715	17788	715	0.7	0.0	100.0
TX EL PASO	26	51	126.5	457.0	15450	714	15425	714	0.2	0.0	99.6
TX EL PASO	38	67	50.0	557.0	8534	629	8096	629	11.2	16.9	100.0
TX EL PASO	65	39	91.5	557.0	19642	713	18637	713	0.0	0.0	100.0
TX FORT WORTH	5	43	3793.5	514.0	46940	4409	40583	4228	0.0	0.0	100.0
TX FORT WORTH	11	19	1587.0	509.0	41046	4246	35593	4153	0.2	0.0	100.0
TX FORT WORTH	21	57	402.1	503.0	26374	4022	26250	4019	1.8	0.1	100.0
TX FORT WORTH	52	42	365.6	328.0	14335	3803	14891	3821	0.0	0.0	92.7
TX FREDERICKSBURG	2	38	5000.0	175.0	16312	163	13799	119	0.0	0.0	99.7
TX GALVESTON	22	31	411.7	566.0	28982	3655	28976	3654	0.0	0.0	100.0
TX GALVESTON	48	47	349.1	350.0	19582	3481	19145	3363	0.1	0.0	100.0
TX GARLAND	23	24	277.6	348.0	12198	3082	11933	3001	0.1	0.2	100.0
TX GREENVILLE	47	46	50.0	155.0	2737	73	2737	73	0.0	0.0	100.0
TX HARLINGEN	4	46	3169.6	396.0	39143	687	37259	686	0.0	0.0	100.0
TX HARLINGEN	44	34	81.8	296.0	14453	657	14450	657	0.0	0.0	100.0
TX HARLINGEN	60	61	124.4	372.0	15628	662	15628	662	0.0	0.0	100.0
TX HOUSTON	2	35	3917.3	588.0	51691	3941	45893	3865	0.0	0.0	100.0
TX HOUSTON	8	9	8.4	564.0	38469	3868	37963	3852	0.1	0.0	99.2
TX HOUSTON	11	10	8.5	570.0	44636	3888	43677	3878	0.0	0.0	99.7
TX HOUSTON	13	30	1716.1	588.0	45135	3899	43536	3868	0.0	0.0	100.0
TX HOUSTON	14	24	349.5	438.0	23360	3740	23332	3740	0.2	0.0	100.0
TX HOUSTON	20	19	412.7	552.0	26048	3766	26014	3766	0.2	0.0	100.0
TX HOUSTON	26	27	408.5	594.0	30216	3817	30100	3807	0.8	0.0	100.0
TX HOUSTON	39	38	408.5	594.0	28371	3780	28340	3779	2.0	0.1	100.0
TX HOUSTON	61	46	372.2	443.0	23733	3725	23712	3725	0.0	0.0	100.0
TX IRVING	49	50	380.6	365.0	20841	3927	20667	3922	0.2	0.0	100.0
TX JACKSONVILLE	56	48	415.8	482.0	21910	575	21763	574	0.0	0.0	100.0
TX KATY	51	52	145.1	500.0	21604	3711	21444	3706	0.0	0.0	100.0
TX KERRVILLE	35	17	413.1	536.0	23673	1416	22867	1409	4.2	2.6	100.0
TX KILLEEN	62	51	217.3	408.0	18826	563	18703	562	0.0	0.0	99.9
TX LAKE DALLAS	55	41	153.6	142.0	10795	3660	10705	3644	0.0	0.0	98.7
TX LAREDO	8	14	1668.0	312.0	26403	140	25686	137	3.7	1.3	100.0
TX LAREDO	13	54	466.3	280.0	20988	143	20302	142	0.2	0.0	100.0

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							CURRENT SERVICE		NEW INTERFERENCE		
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TX LAREDO	27	25	166.4	67.0	6588	132	6564	132	0.0	0.0	100.0
TX LLANO	14	27	198.4	269.0	17332	169	15970	107	13.5	12.4	100.0
TX LONGVIEW	51	52	346.9	381.0	19025	549	18395	533	0.3	0.2	99.9
TX LUBBOCK	5	44	5000.0	226.0	28985	362	28531	362	0.0	0.0	100.0
TX LUBBOCK	11	20	3039.7	232.0	25714	350	24581	349	0.5	0.0	100.0
TX LUBBOCK	13	19	2651.3	268.0	25426	343	24324	343	0.0	0.0	100.0
TX LUBBOCK	28	27	94.0	256.0	15743	299	15657	299	0.0	0.1	100.0
TX LUBBOCK	34	35	217.1	256.0	14941	294	14881	294	0.0	0.0	100.0
TX LUFKIN	9	15	1412.7	204.0	18383	224	16145	205	7.5	7.6	100.0
TX MCALLEN	48	30	138.8	197.0	12790	652	12790	652	0.0	0.4	100.0
TX MIDLAND	2	47	3960.6	323.0	35229	344	33673	340	0.0	0.0	100.0
TX NACOGDOCHES	19	25	50.0	222.0	7787	137	7760	137	9.4	4.4	100.0
TX ODESSA	7	18	3267.6	226.0	25908	279	25359	278	0.0	0.0	100.0
TX ODESSA	9	14	1541.4	387.0	33954	335	30047	297	0.0	0.0	100.0
TX ODESSA	24	25	174.5	335.0	18048	279	18046	279	0.0	0.0	100.0
TX ODESSA	36	16	50.0	88.0	4851	225	4846	225	0.0	0.0	100.0
TX ODESSA	42	41	50.0	146.0	7697	244	7681	244	0.0	0.0	100.0
TX PORT ARTHUR	4	40	3374.3	360.0	37387	793	33820	764	0.0	0.0	100.0
TX ROSENBERG	45	44	129.8	439.0	20397	3687	20335	3685	0.1	0.0	100.0
TX SAN ANGELO	3	31	632.2	183.0	17609	120	16538	119	0.0	0.0	100.0
TX SAN ANGELO	6	50	5000.0	277.0	31860	143	26567	127	0.0	0.0	100.0
TX SAN ANGELO	8	11	7.1	442.0	33616	157	30118	150	0.1	0.0	99.5
TX SAN ANTONIO	4	50	3301.1	451.0	41632	1711	37666	1604	0.0	0.0	99.7
TX SAN ANTONIO	5	48	3162.7	424.0	40188	1660	36658	1587	0.0	0.1	99.9
TX SAN ANTONIO	9	8	5.4	283.0	25635	1499	26004	1502	0.0	0.1	96.9
TX SAN ANTONIO	12	31	1569.0	451.0	37096	1597	35552	1571	0.1	0.1	99.8
TX SAN ANTONIO	23	19	65.9	261.0	10861	1349	10723	1344	0.0	0.0	100.0
TX SAN ANTONIO	29	30	406.8	443.0	23150	1492	22961	1488	0.1	0.1	99.5
TX SAN ANTONIO	41	16	50.0	152.0	10838	1369	10589	1364	8.9	4.2	99.9
TX SAN ANTONIO	60	39	408.2	456.0	21455	1476	20475	1461	0.7	0.6	100.0
TX SWEETWATER	12	23	1573.9	427.0	34286	240	30547	228	1.2	0.4	100.0
TX TEMPLE	6	40	3917.6	573.0	49397	1373	35539	962	0.0	0.0	100.0
TX TEXARKANA	6	42	3442.6	482.0	43946	1018	32501	883	0.0	0.0	100.0
TX TYLER	7	22	1910.5	302.0	29070	702	23948	609	0.0	0.0	100.0
TX VICTORIA	19	14	50.0	149.0	7080	109	7081	109	0.2	0.0	100.0
TX VICTORIA	25	15	112.8	311.0	15404	160	15374	160	0.0	0.0	100.0
TX WACO	10	53	1064.7	552.0	39518	872	35829	822	4.1	4.1	100.0
TX WACO	25	26	402.3	558.0	27713	684	25638	590	0.3	0.1	100.0
TX WACO	34	12	3.2	155.0	4708	200	4670	200	0.1	0.0	100.0
TX WACO	44	20	316.5	552.0	23741	653	23333	618	2.5	0.9	99.9
TX WESLACO	5	20	4215.0	290.0	33612	675	32202	674	0.0	0.0	100 0
TX WICHITA FALLS	3	48	4068.7	305.0	33976	388	31010	372	0.0	0.0	100.0
TX WICHITA FALLS	6	51	3988.0	311.0	34271	392	28430	357	0.0	0.0	100.0

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TX WICHITA FALLS	18	15	169.3	329.0	16650	313	16582	313	2.9	2.9	100.0
UT CEDAR CITY	4	26	1188.2	836.0	36037	75	41583	86	0.0	0.0	86.0
UT OGDEN	9	22	628.5	893.0	21917	1379	21769	1377	0.2	0.0	99.3
UT OGDEN	30	29	111.1	1190.0	21679	1365	20573	1360	0.0	0.0	100.0
UT PROVO	11	10	5.4	896.0	28676	1394	24874	1368	0.0	0.0	100.0
UT PROVO	16	17	401.3	57.0	7517	311	7037	298	0.0	0.0	100.0
UT SALT LAKE CITY	2	43	972.6	1180.0	34805	1404	47882	1487	0.0	0.0	72.4
UT SALT LAKE CITY	4	51	973.3	1180.0	34415	1398	44490	1475	0.0	0.0	75.9
UT SALT LAKE CITY	5	48	1030.1	1152.0	35389	1401	47824	1472	0.0	0.0	74.0
UT SALT LAKE CITY	7	8	5.1	924.0	34888	1410	30963	1395	0.0	0.0	100.0
UT SALT LAKE CITY	13	19	446.8	1116.0	22451	1391	19795	1362	0.0	0.0	99.9
UT SALT LAKE CITY	14	26	97.9	1181.0	25019	1369	23632	1364	0.0	0.0	100.0
UT ST. GEORGE	12	2	1.0	42.0	1822	42	1647	41	0.0	0.0	100.0
VA ARLINGTON	14	15	132.5	219.0	14888	5063	14857	5069	1.1	0.9	98.9
VA ASHLAND	65	42	65.0	262.0	12615	960	11509	941	0.4	0.1	100.0
VA BRISTOL	5	23	3131.7	680.0	38717	1345	39282	1381	0.0	0.0	91.2
VA CHARLOTTESVILLE	29	28	392.1	363.0	21407	626	20105	564	3.4	11.2	99.8
VA CHARLOTTESVILLE	41	32	50.0	352.0	8294	211	7866	201	4.2	1.5	99.8
VA CHARLOTTESVILLE	64	47	224.1	423.0	20324	496	18342	420	0.9	0.5	100.0
VA DANVILLE	24	23	50.0	107.0	5471	267	5328	261	7.3	6.7	99.8
VA FAIRFAX	56	48	50.0	223.0	12848	4537	11889	4176	0.2	0.4	99.5
VA FRONT ROYAL	42	23	50.0	398.0	8101	253	6355	226	1.3	1.5	100.0
VA GOLDVEIN	53	46	105.4	229.0	15111	3748	13967	2840	0.3	0.0	99.9
VA GRUNDY	68	50	64.3	763.0	20839	752	19361	710	0.0	0.0	100.0
VA HAMPTON	13	52	1664.6	301.0	29087	1719	23718	1591	0.0	0.0	100.0
VA HAMPTON-NORFOLK	15	16	147.2	296.0	16854	1547	16854	1547	0.2	0.0	100.0
VA HARRISONBURG	3	22	148.3	646.0	17687	435	21262	533	1.3	0.6	78.6
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
VA LYNCHBURG	21	3	1.0	500.0	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
VA MANASSAS	66	34	229.8	168.0	13548	3878	13332	4026	0.5	1.3	98.0
VA MARION	52	48	50.0	445.0	12351	331	11026	298	1.6	1.0	99.8
VA NORFOLK	3	39	4056.5	299.0	34452	1833	26743	1740	0.0	0.0	100.0
VA NORFOLK	33	14	370.9	277.0	14124	1496	14124	1496	0.7	0.2	100.0
VA NORFOLK	49	50	50.0	155.0	6592	1353	6592	1353	0.1	0.0	100.0
VA NORTON	47	32	50.0	591.0	19196	749	16984	655	0.9	1.7	100.0
VA PETERSBURG	8	50	1394.8	320.0	28446	1275	25182	1189	0.0	0.0	100.0
VA PORTSMOUTH	10	11	5.7	302.0	27493	1703	27601	1650	0.0	0.0	97.7
VA PORTSMOUTH	27	26	125.3	296.0	18432	1550	18432	1550	0.0	0.3	100.0
VA RICHMOND	6	31	4739.9	256.0	31956	1482	27086	1365	4.7	4.2	100.0
VA RICHMOND	12	54	2935.4	241.0	26460	1271	21106	1106	0.2	0.1	99.9
VA RICHMOND	23	24	180.5	327.0	20640	1065	20599	1064	0.0	0.0	100.0
VA RICHMOND	35	20	153.1	384.0	22486	1076	22387	1084	4.2	2.4	98.6
VA RICHMOND	57	45	50.0	293.0	15022	950	14951	957	1.0	0.1	100.0

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VA ROANOKE	7	18	1780.8	610.0	38019	1237	34211	1137	0.0	0.0	99.5
VA ROANOKE	10	56	1737.5	610.0	33842	1151	31596	1094	0.0	0.0	98.1
VA ROANOKE	15	17	108.9	634.0	19970	742	18521	720	0.3	0.4	99.2
VA ROANOKE	27	14	197.4	607.0	20091	849	17749	783	4.1	3.2	100.0
VA ROANOKE	38	36	78.4	616.0	14883	661	14055	644	0.5	0.3	99.7
VA STAUNTON	51	50	50.0	680.0	7063	232	6700	227	0.8	0.1	99.9
VA VIRGINIA BEACH	43	19	355.9	261.0	19729	1577	19729	1577	0.3	0.0	100.0
VT BURLINGTON	3	34	1188.3	835.0	42109	558	40319	580	0.0	0.0	92.8
VT BURLINGTON	22	16	59.3	835.0	25552	463	23400	430	0.2	0.2	100.0
VT BURLINGTON	33	32	86.4	815.0	25061	449	23463	426	1.2	1.1	100.0
VT BURLINGTON	44	14	98.1	397.0	16161	328	14372	311	0.0	0.0	100.0
VT HARTFORD	31	35	151.2	677.0	15670	348	15516	344	2.8	2.8	96.1
VT RUTLAND	28	29	50.0	429.0	10753	247	9596	236	0.0	0.0	100.0
VT ST. JOHNSBURY	20	19	50.0	592.0	15745	161	13193	133	0.1	0.1	100.0
VT WINDSOR	41	58	57.3	684.0	17143	400	16410	381	0.7	0.5	98.9
WA BELLEVUE	33	32	50.0	286.0	3966	1918	3450	1854	12.1	16.3	100.0
WA BELLEVUE	51	50	91.8	739.0	22895	2988	22442	2980	0.4	1.1	100.0
WA BELLINGHAM	12	34	1240.6	722.0	41575	1328	38536	565	0.0	0.0	99.8
WA BELLINGHAM	24	17	50.0	676.0	5867	201	5517	188	0.0	0.0	100.0
WA CENTRALIA	15	38	50.0	347.0	11269	318	10313	266	0.1	0.4	100.0
WA EVERETT	16	35	415.5	389.0	20637	2985	19838	2924	1.6	0.6	100.0
WA KENNEWICK	42	41	50.0	390.0	15097	248	14558	236	0.0	0.0	100.0
WA PASCO	19	18	50.0	366.0	14628	220	14137	202	0.0	0.0	100.0
WA PULLMAN	10	17	571.8	408.0	26226	240	25417	201	0.0	0.0	99.8
WA RICHLAND	25	15	50.0	411.0	16427	266	15907	253	0.1	0.2	100.0
WA RICHLAND	31	9	3.2	370.0	6855	161	6320	157	0.0	0.0	100.0
WA SEATTLE	4	43	4049.5	351.0	32041	3083	33746	3092	0.0	0.0	94.3
WA SEATTLE	5	39	3993.0	356.0	32184	3084	32217	3064	0.0	0.0	95.6
WA SEATTLE	7	53	3214.1	250.0	24407	3019	24126	3019	0.0	0.0	98.8
WA SEATTLE	9	25	2970.2	252.0	24872	3026	23444	2989	0.0	0.0	99.8
WA SEATTLE	22	23	363.5	366.0	16178	2951	14838	2884	0.2	0.0	99.9
WA SEATTLE	45	44	405.6	393.0	17472	2908	17382	2936	2.8	2.0	98.4
WA SPOKANE	2	65	3219.5	671.0	43342	552	47159	554	0.0	0.0	89.6
WA SPOKANE	4	38	1582.9	933.0	45182	536	50307	552	0.0	0.0	88.8
WA SPOKANE	6	39	3312.4	653.0	43663	540	46614	568	1.4	6.0	92.5
WA SPOKANE	7	54	1771.4	558.0	34790	533	34950	528	0.0	0.0	97.2
WA SPOKANE	22	55	50.0	429.0	14926	422	14977	420	0.0	0.0	98.4
WA SPOKANE	28	57	163.8	601.0	24732	466	24285	463	0.0	0.0	99.9
WA TACOMA	11	14	1534.9	363.0	29020	3057	26175	2983	0.0	0.0	99.8
WA TACOMA	13	18	1774.2	610.0	36372	3186	31851	3028	0.0	0.0	100.0
WA TACOMA	20	19	261.9	491.0	20136	2960	19498	2901	0.4	0.1	99.8
WA TACOMA	28	27	50.0	232.0	11259	2460	10763	2436	4.7	18.2	99.6
WA TACOMA	56	41	415.9	570.0	28552	3099	27427	3080	0.3	1.9	100.0

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WA VANCOUVER	49	48	79.1	527.0	15699	1745	15242	1722	0.0	0.1	100.0
WA WENATCHEE	27	56	50.0	424.0	9652	99	8099	95	0.0	0.0	100.0
WA YAKIMA	23	24	50.0	293.0	8926	192	8207	192	0.0	0.0	99.7
WA YAKIMA	29	52	50.0	296.0	9134	196	8706	195	0.0	0.0	100.0
WA YAKIMA	35	34	50.0	293.0	9572	198	8890	197	0.0	0.0	100.0
WA YAKIMA	47	16	50.0	280.0	9743	197	8633	197	0.0	0.0	100.0
WI APPLETON	32	31	50.0	336.0	16910	751	16710	737	0.0	0.1	100.0
WI CHIPPEWA FALLS	48	49	56.4	213.0	12350	246	12231	245	0.0	0.0	100.0
WI EAU CLAIRE	13	16	1768.9	607.0	43443	773	37350	633	0.0	0.0	99.8
WI EAU CLAIRE	18	14	50.0	226.0	8396	200	8261	198	3.7	2.7	100.0
WI FOND DU LAC	60	50	413.7	506.0	28718	2312	30247	2601	0.0	0.0	93.3
WI GREEN BAY	2	51	3663.6	381.0	38545	1056	35077	1002	0.0	0.0	100.0
WI GREEN BAY	5	45	4120.1	341.0	36018	1030	34082	986	0.0	0.0	99.9
WI GREEN BAY	11	23	1541.7	384.0	33885	1009	32173	958	0.0	0.0	100.0
WI GREEN BAY	26	25	144.9	360.0	17811	843	17669	833	1.2	1.7	100.0
WI GREEN BAY	38	39	50.0	360.0	17909	733	17707	726	0.1	0.0	100.0
WI JANESVILLE	57	32	50.0	123.0	8864	787	8905	795	0.5	3.9	98.7
WI KENOSHA	55	16	50.0	137.0	6912	1850	6854	1747	0.0	0.0	100.0
WI LA CROSSE	8	43	1583.8	469.0	37577	673	29542	527	0.1	0.1	100.0
WI LA CROSSE	19	17	50.0	347.0	14988	286	14431	273	8.1	4.1	99.9
WI LA CROSSE	25	23	50.0	306.0	12036	244	11173	216	0.4	0.1	100.0
WI LA CROSSE	31	36	52.7	347.0	16921	299	16479	290	0.3	0.9	100.0
WI MADISON	3	29	582.2	469.0	31332	1323	25937	1063	0.9	3.4	99.9
WI MADISON	15	19	50.0	354.0	17245	786	16993	780	3.9	1.5	99.7
WI MADISON	21	20	54.2	453.0	20887	850	20636	842	2.9	2.8	99.4
WI MADISON	27	26	50.0	381.0	17989	806	17907	804	1.1	1.6	99.2
WI MADISON	47	48	50.0	357.0	16948	740	16579	734	2.9	3.9	99.7
WI MANITOWOC	16	17	50.0	129.0	2896	76	2896	76	1.4	1.4	100.0
WI MAYVILLE	[illegible]										
WI MENOMONIE	28	27	51.9	346.0	17029	351	15961	311	0.2	0.5	100.0
WI MILWAUKEE	4	40	4102.8	305.0	34797	2896	24807	2169	0.0	0.0	99.5
WI MILWAUKEE	6	42	4138.1	305.0	34373	2855	22620	2061	0.0	0.0	100.0
WI MILWAUKEE	10	33	1670.0	308.0	29499	2569	24186	2113	0.3	0.1	100.0
WI MILWAUKEE	12	8	5.9	305.0	27427	2480	22909	2057	0.0	0.0	96.3
WI MILWAUKEE	18	34	374.2	307.0	18656	2109	18433	2085	4.1	5.5	100.0
WI MILWAUKEE	24	28	182.8	313.0	16440	2009	16340	2002	9.7	3.7	100.0
WI MILWAUKEE	30	22	50.0	293.0	13189	1831	13133	1829	0.9	0.5	100.0
WI MILWAUKEE	36	35	114.2	283.0	14831	1874	14786	1872	0.7	0.7	100.0
WI MILWAUKEE	58	46	123.7	163.0	10822	1766	10596	1760	3.4	0.7	99.7
WI PARK FALLS	36	38	50.0	445.0	19783	106	19169	99	0.3	0.3	100.0
WI RACINE	49	41	111.6	149.0	10592	1904	10672	1814	4.9	2.6	93.6
WI RHINELANDER	12	22	1578.1	506.0	39945	345	30460	249	0.0	0.0	100.0
WI SUPERIOR	6	47	5000.0	308.0	33338	289	29135	257	0.0	0.0	99.8

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
WI SURING	14	21	50.0	189.0	8287	99	8260	99	0.1	0.0	100.0
WI WAUSAU	7	24	1536.3	369.0	32521	494	27221	430	0.0	0.0	100.0
WI WAUSAU	9	41	1536.3	369.0	32515	494	25840	433	0.0	0.0	100.0
WI WAUSAU	20	15	67.0	300.0	16560	344	16530	344	2.3	0.9	99.9
WV BLUEFIELD	6	34	1963.5	372.0	25413	703	24940	687	0.0	0.0	95.9
WV BLUEFIELD	40	46	50.0	387.0	14095	419	12823	342	0.8	2.3	99.9
WV CHARLESTON	8	58	700.6	372.0	26724	934	25040	892	0.0	0.0	99.8
WV CHARLESTON	11	19	205.0	525.0	23880	858	21033	783	0.7	0.4	100.0
WV CHARLESTON	29	28	417.2	454.0	27749	851	26177	747	1.5	3.7	99.7
WV CLARKSBURG	12	52	2297.7	262.0	24125	613	21739	518	0.2	0.0	100.0
WV CLARKSBURG	46	45	50.0	244.0	8790	283	8007	256	4.7	3.3	100.0
WV GRANDVIEW	9	31	3437.7	305.0	26211	696	22486	550	0.0	0.0	99.8
WV HUNTINGTON	3	49	1163.7	388.0	30896	1073	28051	994	0.0	0.0	99.5
WV HUNTINGTON	13	55	616.2	387.0	27576	995	25903	956	3.3	2.4	100.0
WV HUNTINGTON	33	54	132.8	379.0	17072	733	16826	723	3.5	2.3	99.6
WV LEWISBURG	59	25	50.0	397.0	6535	109	5183	66	0.1	0.0	100.0
WV MARTINSBURG	60	12	3.2	312.0	13690	569	10756	495	0.1	0.0	100.0
WV MORGANTOWN	24	33	204.1	457.0	19624	1168	18948	1092	4.6	11.7	99.6
WV OAK HILL	4	43	5000.0	226.0	24616	631	22621	548	0.0	0.0	95.7
WV PARKERSBURG	15	32	50.0	189.0	8576	262	8224	252	0.7	1.2	100.0
WV WESTON	5	39	5000.0	268.0	28901	615	26116	521	0.0	0.0	99.0
WV WHEELING	7	56	2147.1	293.0	26707	2409	23677	1974	1.4	3.9	99.7
WY CASPER	2	41	4526.8	610.0	45075	79	46404	78	0.0	0.0	94.8
WY CASPER	14	16	86.3	573.0	22848	65	22080	65	0.0	0.0	100.0
WY CASPER	20	19	100.0	533.0	19283	69	18520	68	0.1	0.0	100.0
WY CHEYENNE	5	51	5000.0	189.0	23385	355	23132	364	0.0	0.0	94.4
WY CHEYENNE	27	28	300.0	232.0	13025	335	12680	328	0.0	0.1	100.0
WY CHEYENNE	33	32	50.0	148.0	4107	71	3863	71	0.0	0.0	100.0
WY JACKSON	2	25	50.0	304.0	4307	11	4571	11	0.0	0.0	93.9
WY LANDER	4	27	5000.0	463.0	36343	33	37717	33	0.0	0.0	95.6
WY LANDER	5	35	5000.0	82.0	18615	32	19838	32	0.0	0.0	93.0
WY RAWLINS	11	9	3.2	70.0	2406	10	2193	10	0.0	0.0	100.0
WY RIVERTON	10	17	848.4	526.0	26388	48	25206	47	0.0	0.0	99.7
WY ROCK SPRINGS	13	15	1084.6	521.0	35337	45	33035	45	0.0	0.0	100.0
WY SHERIDAN	9	15	50.0	291.0	8756	24	7734	24	0.0	0.0	100.0
WY SHERIDAN	12	18	3437.7	372.0	28891	38	27520	37	0.0	0.0	99.9

STATE AND CITY	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DIGITAL TELEVISION SERVICE DURING TRANSITION		EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
							CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
PR AGUADA	50	63	17.4	343.0	14293	-	13149	-	0.0	-	100.0
PR AGUADILLA	12	69	1412.5	665.0	46002	-	38301	-	0.0	-	100.0
PR AGUADILLA	32	33	0.1	296.0	4436	-	4652	-	16.2	-	95.2
PR AGUADILLA	44	45	9.8	372.0	13603	-	13040	-	0.9	-	99.9
PR ARECIBO	54	53	85.1	600.0	26989	-	26609	-	4.8	-	99.5
PR ARECIBO	60	61	112.2	242.0	15542	-	15203	-	0.0	-	100.0
PR BAYAMON	36	57	0.1	329.0	2456	-	4283	-	19.4	-	56.9
PR CAGUAS	11	31	1445.4	355.0	30978	-	21824	-	0.0	-	100.0
PR CAGUAS	58	29	1.1	329.0	5979	-	8316	-	31.2	-	71.6
PR CAROLINA	52	27	29.5	585.0	20878	-	21606	-	6.0	-	95.4
PR FAJARDO	13	43	575.4	863.0	44628	-	32793	-	0.0	-	100.0
PR FAJARDO	40	55	58.9	839.0	29989	-	28987	-	8.8	-	99.9
PR GUAYAMA	46	21	87.1	642.0	28196	-	27957	-	0.3	-	100.0
PR HUMACAO	68	51	2.1	594.0	13296	-	13282	-	1.5	-	100.0
PR MAYAGUEZ	3	35	3090.3	691.0	53273	-	40712	-	0.0	-	100.0
PR MAYAGUEZ	5	23	3981.1	610.0	51958	-	44597	-	13.7	-	100.0
PR MAYAGUEZ	16	62	5.9	347.0	11899	-	11527	-	4.3	-	99.5
PR MAYAGUEZ	22	67	89.1	620.0	27808	-	27691	-	2.2	-	99.9
PR NARANJITO	64	65	31.6	142.0	10041	-	10359	-	11.5	-	95.8
PR PONCE	7	8	5.8	826.0	41703	-	46824	-	0.0	-	88.2
PR PONCE	9	41	776.2	857.0	46860	-	45732	-	0.0	-	99.9
PR PONCE	14	19	66.1	861.0	30951	-	30272	-	3.9	-	100.0
PR PONCE	20	10	0.1	259.0	8221	-	7812	-	20.1	-	84.4
PR PONCE	26	25	13.5	302.0	12756	-	12274	-	11.7	-	99.8
PR PONCE	48	47	1.2	247.0	7207	-	7081	-	18.9	-	99.8
PR SAN JUAN	2	56	1778.3	861.0	54453	-	46686	-	2.1	-	100.0
PR SAN JUAN	4	28	1737.8	873.0	54457	-	41839	-	1.3	-	100.0
PR SAN JUAN	6	49	1995.3	825.0	54301	-	41882	-	4.4	-	100.0
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
PR SAN JUAN	24	15	30.2	581.0	21912	-	22841	-	5.6	-	99.6
PR SAN JUAN	30	59	154.9	287.0	17973	-	21905	-	0.0	-	[illegible]
PR SAN SEBASTIAN	38	17	1.8	332.0	9400	-	17932	-	2.0	-	99.9
PR YAUCO	42	66	102.3	852.0	33555	-	8720	-	9.8	-	100.0
VI CHARLOTTE AMALI	10	5	14.5	550.0	37936	-	31628	-	6.6	-	100.0
VI CHARLOTTE AMALI	12	3	0.8	451.0	20181	-	39160	-	0.0	-	96.7
VI CHRISTIANSTED	8	38	851.1	347.0	28037	-	15899	-	0.0	-	100.0
							27277	-	18.4	-	100.0

Note: Data for Puerto Rico and the Virgin Islands was unavailable in a form suitable for calculations related to population.

APPENDIX O

PREEMPTION OF LOCAL ZONING AND OTHER RESTRICTIONS ON RECEIVE ANTENNAS

Section 25.104: Preemption of Local Zoning of Earth Stations

(a) Any state or local zoning, land-use, building, or similar regulation that materially limits transmission or reception by satellite earth station antennas, or imposes more than minimal costs on users of such antennas, is preempted unless the promulgating authority can demonstrate that such regulation is reasonable, except that nonfederal regulation of radio frequency emissions is not preempted by this rule. For purposes of this paragraph (a), reasonable means that the local regulation:

(1) has a clearly defined health, safety, or aesthetic objective that is stated in the text of the regulation itself; and

(2) furthers the stated health, safety or aesthetic objective without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.

(b)(1) Any state or local zoning, land-use, building, or similar regulation that affects the installation, maintenance, or use of a satellite earth station antenna that is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non-federal land-use regulation shall be presumed unreasonable and is therefore preempted subject to paragraph (b)(2). No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any regulation covered by this presumption unless the promulgating authority has obtained a waiver from the Commission pursuant to paragraph (e), or a final declaration from the Commission or a court of competent jurisdiction that the presumption has been rebutted pursuant to subparagraph (b)(2).

(2) Any presumption arising from subparagraph (B)(1) of this section may be rebutted upon a showing that the regulation in question:

(A) is necessary to accomplish a clearly defined health or safety objective that is stated in the text of the regulation itself;

(B) is no more burdensome to satellite users than is necessary to achieve the health or safety objective; and

(C) is specifically applicable on its face to antennas of the class described in paragraph (b)(1).

(c) Any person aggrieved by the application or potential application of a state or local zoning or other regulation in violation of paragraph (a) of this section may, after exhausting all nonfederal administrative remedies, file a petition with the Commission requesting a declaration that the state or local regulation in question is preempted by this section. Nonfederal administrative remedies, which do not include judicial appeals of administrative determinations, shall be deemed exhausted when

(1) the petitioner's application for a permit or other authorization required by the state or local authority has been denied and any administrative appeal and variance procedure has been exhausted;

(2) the petitioner's application for a permit or other authorization required by the state or local authority has been on file for ninety days without final action;

(3) the petitioner has received a permit or other authorization required by the state or local authority that is conditioned upon the petitioner's expenditure of a sum of money, including costs required to screen, pole-mount, or otherwise specially install the antenna, greater than the aggregate purchase or total lease cost of the equipment as normally installed; or

(4) a state or local authority has notified the petitioner of impending civil or criminal action in a court of law and there are no more nonfederal administrative steps to be taken.

(d) Procedures regarding filing of petitions requesting declaratory rulings and other related pleadings will be set forth in subsequent Public Notices. All allegations of fact contained in petitions and related pleadings must be supported by affidavit of a person or persons with personal knowledge thereof.

(e) Any state or local authority that wishes to maintain and enforce zoning or other regulations inconsistent with this section may apply to the Commission for a full or partial waiver of this section. Such waivers may be granted by the Commission in its sole discretion, upon a showing by the applicant that local concerns of a highly specialized or unusual nature. No application for waiver shall be considered unless it specifically sets forth the particular regulation for which waiver is sought. Waivers granted in accordance with this section shall not apply to later-enacted or amended regulations by the local authority unless the Commission expressly orders otherwise.

(f) a satellite earth station antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter or is located in Alaska is covered by the regulations in 47 C.F.R. Part 1, Subpart S Section 1.4000.

Part 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for Part 1 is revised to read as follows:

AUTHORITY: 47 U.S.C. 151, 154, 207, 303 and 309(j) unless otherwise noted.

2. A new Subpart S is added to Part 1 to read as follows:

§ 1.4000. Restrictions impairing reception of Television Broadcast Signals, Direct Broadcast Satellite Services or Multichannel Multipoint Distribution Services

(a) Any restriction, including but not limited to any state or local law or regulation, including zoning, land-use, or building regulation, or any private covenant, homeowners' association rule or similar restriction on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property, that impairs the installation, maintenance, or use of:

(1) an antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter or is located in Alaska; or

(2) an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or

(3) an antenna that is designed to receive television broadcast signals,

is prohibited, to the extent it so impairs, subject to paragraph (b). For purposes of this rule, a law, regulation or restriction impairs installation, maintenance or use of an antenna if it: (1) unreasonably delays or prevents installation, maintenance or use, (2) unreasonably increases the cost of installation, maintenance or use, or (3) precludes reception of an acceptable quality signal. No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any restriction or regulation prohibited by this rule except pursuant to paragraph (c) or (d). No fine or other penalties shall accrue against an antenna user while a proceeding is pending to determine the validity of any restriction

(b) Any restriction otherwise prohibited by paragraph (a) is permitted if:

(1) it is necessary to accomplish a clearly defined safety objective that is either stated in the text, preamble or legislative history of the restriction or described as applying to that restriction in a document that is readily available to antenna users, and would be applied to the extent practicable in a non-discriminatory manner to other appurtenances, devices, or fixtures that are comparable in size, weight and appearance to these antennas and to which local regulation would normally apply; or

(2) it is necessary to preserve an historic district listed or eligible for listing in the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966, as amended, 16 U.S.C. § 470a, and imposes no greater restrictions on antennas covered by this rule than are imposed on the installation, maintenance or use of other modern appurtenances, devices or fixtures that are comparable in size, weight, and appearance to these antennas; and

(3) it is no more burdensome to affected antenna users than is necessary to achieve the objectives described above.

(c) Local governments or associations may apply to the Commission for a waiver of this rule under Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3. Waiver requests will be put on public notice. The Commission may grant a waiver upon a showing by the applicant of local concerns of a highly specialized or unusual nature. No petition for waiver shall be considered unless it specifies the restriction at issue. Waivers granted in accordance with this section shall not apply to restrictions amended or enacted after the waiver is granted. Any responsive pleadings must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies must be filed within 15 days thereafter.

(d) Parties may petition the Commission for a declaratory ruling under Section 1.2 of the Commission's rules, 47 C.F.R. § 1.2, or a court of competent jurisdiction, to determine whether a particular restriction is permissible or prohibited under this rule. Petitions to the Commission will be put on public notice. Any responsive pleadings must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies must be filed within 15 days thereafter.

(e) In any Commission proceeding regarding the scope or interpretation of any provision of this section, the burden of demonstrating that a particular governmental or nongovernmental restriction complies with this section and does not impair the installation, maintenance or use of devices designed for over-the-air reception of video programming services shall be on the party that seeks to impose or maintain the restriction.

(f) All allegations of fact contained in petitions and related pleadings before the Commission must be supported by affidavit of a person or persons with actual knowledge thereof. An original and two copies of all petitions and pleadings should be addressed to the Secretary, Federal Communications Commission, 1919 M St. N.W.; Washington, D.C. 20554. Copies of the petitions and related pleadings will be available for public inspection in the Cable Reference Room in Washington, D.C. Copies will be available for purchase from the Commission's contract copy center, and Commission decisions will be available on the Internet.

APPENDIX P

COPYRIGHT REGISTRATION INFORMATION

COPYRIGHT REGISTRATION

In general, copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. However, except in one specific situation,* registration is not a condition of copyright protection. Even though registration is not generally a requirement for protection, the copyright law provides several inducements or advantages to encourage copyright owners to make registration. Among these advantages are the following:

- Registration establishes a public record of the copyright claim;
- Before an infringement suit may be filed in court, registration is necessary for works of U.S. origin and for foreign works not originating in a Berne Union country. (For more information on when a work is of U.S. origin, request Circular 93.);
- If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate; and
- If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.
- Copyright registration allows the owner of the copyright to record the registration with the U.S. Customs Service for protection against the importation of infringing copies. For additional information, request Publication No. 563 from:
  Commissioner of Customs
  ATTN: IPR Branch,
  Room 2104
  U.S. Customs Service
  1301 Constitution Avenue, N.W.
  Washington. D.C. 20229.

Registration may be made at any time within the life of the copyright. Unlike the law before 1978, when a work has been registered in unpublished form, it is not necessary to make another registration when the work becomes published (although the copyright owner may register the published edition, if desired).

REGISTRATION PROCEDURES

In General

A. To register a work, send the following three elements ***in the same envelope or package*** to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559-6000: (see page 11 for what happens if the elements are sent separately).

1. A properly completed application form;
2. A nonrefundable filing fee of $20* for each application;
3. A nonreturnable deposit of the work being registered. The deposit requirements vary in particular situations. The ***general*** requirements follow. Also note the information under "Special Deposit Requirements" immediately following this section.

- If the work is unpublished, one complete copy or phonorecord.
- If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
- If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
- If the work was first published outside the United States, one complete copy or phonorecord of the work as first published.

B. To register a renewal, send:

1. A properly completed RE application form; and
2. A nonrefundable filing fee of $20 for each work.

*Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright on a work first published before March 1, 1989, that would otherwise be invalidated because the copyright notice was omitted from the published copies or phonorecords, or the name or year date was omitted, or certain errors were made in the year date.

*For the fee structure for application Form SE/GROUP and Form G/DN, see the instructions on these forms.

NOTE: COMPLETE THE APPLICATION FORM USING BLACK INK PEN OR TYPEWRITER. You may photocopy blank application forms: **however,** photocopied forms submitted to the Copyright Office must be clear, legible, on a good grade of 8 1/2 inch by 11 inch white paper suitable for automatic feeding through a photocopier. The forms should be printed preferably in black ink, head-to-head (so that when you turn the sheet over, the top of page 2 is directly behind the top of page 1). **Forms not meeting these requirements will be returned.**

Special Deposit Requirements

Special deposit requirements exist for many types of work. In some instances, only one copy is required for published works, in other instances only identifying material is required, and in still other instances, the deposit requirement may be unique. The following are prominent examples of exceptions to the general deposit requirements:

- If the work is a motion picture, the deposit requirement is one complete copy of the unpublished or published motion picture ***and*** a separate written description of its contents, such as a continuity, press book, or synopsis.
- If the work is a literary, dramatic or musical work ***published only on phonorecord,*** the deposit requirement is one complete copy of the phonorecord.
- If the work is an unpublished or published computer program, the deposit requirement is one visually perceptible copy in source code of the ***first 25 and last 25 pages*** of the program. For a program of fewer than 50 pages, the deposit is a copy of the entire program. (For more information on computer program registration, including deposits for revised programs and provisions for trade secrets, request Circular 61.)
- If the work is in a CD-ROM format, the deposit requirement is one complete copy of the material, that is, the CD-ROM, the operating software, and any manual(s) accompanying it. If the identical work is also available in print or hard copy form, send one complete copy of the print version ***and*** one complete copy of the CD-ROM version.
- For information about group registration of serials, request Circular 62.

In the case of works reproduced in three-dimensional copies, identifying material such as photographs or drawings is ordinarily required. Other examples of special deposit requirements (but by no means an exhaustive list) include many works of the visual arts, such as greeting cards, toys, fabric, oversized material (request Circular 40a); video games and other machine-readable audiovisual works (request Circular 61 and ML-387); automated databases (request Circular 65); and contributions to collective works.

If you are unsure of the deposit requirement for your work, write or call the Copyright Office and describe the work you wish to register.

Unpublished Collections

A work may be registered in unpublished form as a "collection," with one application and one fee, under the following conditions:

- The elements of the collection are assembled in an orderly form;
- The combined elements bear a single title identifying the collection as a whole;
- The copyright claimant in all the elements and in the collection as a whole is the same; and
- All of the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element.

NOTE: LIBRARY OF CONGRESS CATALOG CARD NUMBERS.

A Library of Congress Catalog Card Number is different from a copyright registration number. The Cataloging in Publication (CIP) Division of the Library of Congress is responsible for assigning LC Catalog Card Numbers and is operationally separate from the Copyright Office. A book may be registered in or deposited with the Copyright Office but not necessarily cataloged and added to the Library's collections. For information about obtaining an LC Catalog Card Number, contact the CIP Division, Library of Congress, Washington, D.C. 20540. For information on International Standard Book Numbering (ISBN), write to: ISBN, R.R. Bowker/Martindale-Hubbell, 121 Chanlon Road, New Providence, N.J. 07974. Call (908) 665-6770. For information on International Standard Serial Numbering (ISSN), write to: Library of Congress, National Serials Data Program, Washington, D.C. 20540.

An unpublished collection is indexed in the *Catalog of Copyright Entries* only under the collection title.

CORRECTIONS AND AMPLIFICATIONS OF EXISTING REGISTRATIONS

To correct an error in a copyright registration or to amplify the information given in a registration, file a supplementary registration form—Form CA—with the Copyright Office. The information in a supplementary registration augments but does not supersede that contained in the earlier registration. Note also that a supplementary registration is not a substitute for an original registration, for a renewal registration, or for recording a transfer of ownership. For further information about supplementary registration, request Circular 8.

MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for works published in the United States (see definition of "publication" on page 3). In general, the owner of copyright or the owner of the exclusive right of publication in the work has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, 2 copies (or in the case of sound recordings, 2 phonorecords) for the use of the Library of Congress. Failure to make the deposit can result in fines and other penalties but does not affect copyright protection.

Certain categories of works are ***exempt entirely*** from the mandatory deposit requirements, and the obligation is reduced for certain other categories. For further information about mandatory deposit, request Circular 7d.

USE OF MANDATORY DEPOSIT TO SATISFY REGISTRATION REQUIREMENTS

For works published in the United States the Copyright Act contains a provision under which a single deposit can be made to satisfy both the deposit requirements for the Library and the registration requirements. In order to have this dual effect, the copies or phonorecords must be accompanied by the prescribed application and filing fee.

WHO MAY FILE AN APPLICATION FORM

The following persons are legally entitled to submit an application form:

- The author. This is either the person who actually created the work, or, if the work was made for hire, the employer or other person for whom the work was prepared.
- The copyright claimant. The copyright claimant is defined in Copyright Office regulations as either the author of the work or a person or organization that has obtained ownership of all the rights under the copyright initially belonging to the author. This category includes a person or organization who has obtained by contract the right to claim legal title to the copyright in an application for copyright registration.
- The owner of exclusive right(s). Under the law, any of the exclusive rights that go to make up a copyright and any subdivision of them can be transferred and owned separately, even though the transfer may be limited in time or place of effect. The term "copyright owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right. Any owner of an exclusive right may apply for registration of a claim in the work.
- The duly authorized agent of such author, other copyright claimant, or owner of exclusive right(s). Any person authorized to act on behalf of the author, other copyright claimant, or owner of exclusive rights may apply for registration.

There is no requirement that applications be prepared or filed by an attorney.

APPLICATION FORMS

For Original Registration

Form TX: for published and unpublished nondramatic literary works

Form SE: for serials, works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Short Form/SE and Form SE/GROUP: specialized SE forms for use when certain requirements are met

Form G/DN: a specialized form to register a complete month's issues of a daily newspaper when certain conditions are met

Form PA: for published and unpublished works of the performing arts (musical and dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

Form VA: for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works, including architectural works)

Form SR: for published and unpublished sound recordings

For Renewal Registration

Form RE: for claims to renewal copyright in works copyrighted under the law in effect through December 31, 1977 (1909 Copyright Act)

For Corrections and Amplifications

Form CA: for supplementary registration to correct or amplify information given in the Copyright Office record of an earlier registration

For a Group of Contributions to Periodicals

Form GR/CP: an adjunct application to be used for registration of a group of contributions to periodicals in addition to an application Form TX, PA, or VA

Free application forms are supplied by the Copyright Office.

COPYRIGHT OFFICE FORMS HOTLINE

NOTE: Requestors may order application forms and circulars at any time by telephoning (202) 707-9100 (TTY: 707-6737). Orders will be recorded automatically and filled as quickly as possible. Please specify the kind and number of forms you are requesting.

MAILING INSTRUCTIONS

All applications and materials related to copyright registration should be addressed to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559-6000.

The application, nonreturnable deposit (copies, phonorecords, or identifying material), and nonrefundable filing fee should be mailed in the same package.

We suggest that you contact your local post office for information about mailing these materials at lower-cost fourth class postage rates.

WHAT HAPPENS IF THE THREE ELEMENTS ARE NOT RECEIVED TOGETHER

Applications and fees received without appropriate copies, phonorecords, or identifying material will **not** be processed and ordinarily will be returned. Unpublished deposits without applications or fees ordinarily will be returned, also. In most cases, published deposits received without applications and fees can be immediately transferred to the collections of the Library of Congress. This practice is in accordance with section 408 of the law, which provides that the published deposit required for the collections of the Library of Congress may be used for registration only if the deposit is "accompanied by the prescribed application and fee...."

After the deposit is received and transferred to another service unit of the Library for its collections or other disposition, it is no longer available to the Copyright Office. If you wish to register the work, you must deposit additional copies or phonorecords with your application and fee.

FEES

All remittances should be in the form of drafts (that is, checks, money orders, or bank drafts) payable to: **Register of Copyrights**. Do not send cash. Drafts must be redeemable without service or exchange fee through a U. S. institution, must be payable in U.S. dollars, and must be imprinted with American Banking Association routing numbers. International Money Orders and Postal Money Orders that are negotiable only at a post office are not acceptable.

If a check received in payment of the filing fee is returned to the Copyright Office as uncollectible, the Copyright Office will cancel the registration and will notify the remitter.

The fee for processing an original, supplementary, or renewal claim is nonrefundable, whether or not copyright registration is ultimately made.

Do not send cash. The Copyright Office cannot assume any responsibility for the loss of currency sent in payment of copyright fees.

EFFECTIVE DATE OF REGISTRATION

A copyright registration is effective on the date the Copyright Office receives all of the required elements in acceptable form, regardless of how long it then takes to process the application and mail the certificate of registration. The time the Copyright Office requires to process an application varies, depending on the amount of material the Office is receiving and the personnel available. Keep in mind that it may take a number of days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed by the Copyright Office.

If you are filing an application for copyright registration in the Copyright Office, you ***will not*** receive an acknowledgement that your application has been received, but you can expect:

- A letter or telephone call from a Copyright Office staff member if further information is needed;
- A certificate of registration to indicate the work has been registered; or
- If registration cannot be made, a letter explaining why it has been refused.

Please allow 120 days to receive a letter or certificate of registration. Requests to have certificates available for pickup in the Public Information Office or to have certificates sent by Federal Express or another express mail service cannot be honored.

If you want to know when the Copyright Office receives your material, you should send it by registered or certified mail and request a return receipt from the post office. Allow at least 3 weeks for the return of your receipt.

SEARCH OF COPYRIGHT OFFICE RECORDS

The records of the Copyright Office are open for inspection and searching by the public. Moreover, on request, the Copyright Office will search its records at the statutory rate of $20 for each hour or fraction of an hour. For information on searching the Office records concerning the copyright status or ownership of a work, request Circulars 22 and 23. Records from 1978 forward may be searched via the Internet. For access, see below.

AVAILABLE INFORMATION

This circular attempts to answer some of the questions that are frequently asked about copyright. For a list of other material published by the Copyright Office, request Circular 2, "Publications on Copyright." Any requests for Copyright Office publications or special questions relating to copyright problems not mentioned in this circular should be addressed to the Copyright Office, LM-455, Library of Congress, Washington, D.C. 20559-6000. To speak to a Copyright Information Specialist, call (202) 707-3000 (TTY: 707-6737) between 8:30 a.m.-5:00 p.m., Eastern Time, Monday to Friday, except Federal holidays.

Copyright information, including many of the other circulars mentioned in Circular 1, as well as the latest Copyright Office regulations and announcements, is available via the Internet. Internet site addresses are:

World Wide Web URL: http://lcweb.loc.gov/copyright

Gopher: marvel.loc.gov, port 70

Telnet: marvel.loc.gov and login as marvel

Copyright Office records of registrations and other related documents from 1978 forward are also available over the Internet via the above addresses or telnet directly to LOCIS (Library of Congress Information System) at:

Telnet: locis.loc.gov

The Copyright Public Information Office is also open to the public Monday-Friday, 8:30 a.m. to 5:00 p.m., Eastern Time, except Federal holidays. The office is located in the Library of Congress, Madison Building, Room 401, at 101 Independence Ave., S.E., Washington, D.C., near the Capitol South Metro stop. Information Specialists are available to answer questions, provide circulars, and accept applications for registration. Access for disabled individuals is at the front door on Independence Avenue, S.E.

The Copyright Office is not permitted to give legal advice. If information or guidance is needed on matters such as disputes over the ownership of a copyright, suits against possible infringers, the procedure for getting a work published, or the method of obtaining royalty payments, it may be necessary to consult an attorney.

Copyright Office • Library of Congress • Washington, D.C. 20559-6000

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APPENDIX Q

REGISTERING A TRADEMARK

BASIC FACTS ABOUT REGISTERING A TRADEMARK

What is a Trademark?

A TRADEMARK is either a word, phrase, symbol or design, or combination of words, phrases, symbols or designs, which identifies and distinguishes the source of the goods or services of one party from those of others. A service mark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. Throughout this booklet the terms "trademark" and "mark" are used to refer to both trademarks and service marks whether they are word marks or other types of marks. Normally, a mark for goods appears on the product or on its packaging, while a service mark appears in advertising for the services.

A trademark is different from a copyright or a patent. A copyright protects an original artistic or literary work; a patent protects an invention. For copyright information call the Library of Congress at (202) 707-3000.

Establishing Trademark Rights

Trademark rights arise from either (1) actual use of the mark, or (2) the filing of a proper application to register a mark in the Patent and Trademark Office (PTO) stating that the applicant has a bona fide intention to use the mark in commerce regulated by the U.S. Congress. (See below, under "Types of Applications," for a discussion of what is meant by the terms commerce and use in commerce.) Federal registration is not required to establish rights in a mark, nor is it required to begin use of a mark. However, federal registration can secure benefits beyond the rights acquired by merely using a mark. For example, the owner of a federal registration is presumed to be the owner of the mark for the goods and services specified in the registration, and to be entitled to use the mark nationwide.

There are two related but distinct types of rights in a mark: the right to register and the right to use. Generally, the first party who either uses a mark in commerce or files an application in the PTO has the ultimate right to register that mark. The PTO's authority is limited to determining the right to register. The right to use a mark can be more complicated to determine. This is particularly true when two parties have begun use of the same or similar marks without knowledge of one another and neither has a federal registration. Only a court can render a decision about the right to use, such as issuing an injunction or awarding damages for infringement. It should be noted that a federal registration can provide significant advantages to a party involved in a court proceeding. The PTO cannot provide advice concerning rights in a mark. Only a private attorney can provide such advice.

Unlike copyrights or patents, trademark rights can last indefinitely if the owner continues to use the mark to identify its goods or services. The term of a federal trademark registration is 10 years, with 10-year renewal terms. However, between the fifth and sixth year after the date of initial registration, the registrant must file an affidavit setting forth certain information to keep the registration alive. If no affidavit is filed, the registration is canceled.

Types of Applications for Federal Registration

An applicant may apply for federal registration in three principal ways. (1) An applicant who has already commenced using a mark in commerce may file based on that use (a "use" application). (2) An applicant who has not yet used the mark may apply based on a bona fide intention to use the mark in commerce (an "intent-to-use" application). For the purpose of obtaining federal registration, commerce means all commerce which may lawfully be regulated by the U.S. Congress, for example, interstate commerce or commerce between the U.S. and another country. The use in commerce must be a bona fide use in the ordinary course of trade, and not made merely to reserve a right in a mark. Use of a mark in promotion or advertising before the product or service is actually provided under the mark on a normal commercial scale does not qualify as use in commerce. Use of a mark in purely local commerce within a state does not qualify as "use in commerce." If an applicant files based on a bona fide intention to use in commerce, the applicant will have to use the mark in commerce and submit an allegation of use to the PTO before the PTO will register the mark (See page 12). (3) Additionally, under certain international agreements, an applicant from outside the United States may file in the United States based on an application or registration in another country. For information regarding applications based on international agreements please call the information number provided on page 4.

A United States registration provides protection only in the United States and its territories. If the owner of a mark wishes to protect a mark in other countries, the owner must seek protection in each country separately under the relevant laws. The PTO cannot provide information or advice concerning protection in other countries. Interested parties may inquire directly in the relevant country or its U.S. offices or through an attorney.

Who May File an Application?

The application must be filed in the name of the owner of the mark; usually an individual, corporation or partnership. The owner of a mark controls the nature and quality of the goods or services identified by the mark. See below in the line-by-line instructions for information about who must sign the application and other papers.

The owner may submit and prosecute its own application for registration, or may be represented by an attorney. The PTO cannot help select an attorney.

Foreign Applicants

Applicants not living in the United States must designate in writing the name and address of a domestic representative -- a person residing in the United States "upon whom notices of process may be served for proceedings affecting the mark." The applicant may do so by submitting a statement that the named person at the address indicated is appointed as the applicant's domestic representative under §1(e) of the Trademark Act. The applicant must sign this statement. This person will receive all communications from the PTO unless the applicant is represented by an attorney in the United States.

Searches for Conflicting Marks

An applicant is not required to conduct a search for conflicting marks prior to applying with the PTO. However, some people find it useful. In evaluating an application, an examining attorney conducts a

search and notifies the applicant if a conflicting mark is found. The application fee, which covers processing and search costs, will not be refunded even if a conflict is found and the mark cannot be registered.

To determine whether there is a conflict between two marks, the PTO determines whether there would be likelihood of confusion, that is, whether relevant consumers would be likely to associate the goods or services of one party with those of the other party as a result of the use of the marks at issue by both parties. The principal factors to be considered in reaching this decision are the similarity of the marks and the commercial relationship between the goods and services identified by the marks. To find a conflict, the marks need not be identical, and the goods and services do not have to be the same.

The PTO does not conduct searches for the public to determine if a conflicting mark is registered, or is the subject of a pending application, except as noted above when acting on an application. However, there are a variety of ways to get this same type of information. First, by performing a search in the PTO public search library. The search library is located on the second floor of the South Tower Building, 2900 Crystal Drive, Arlington, Virginia 22202. Second, by visiting a patent and trademark depository library (at locations listed on pages 14 and 15). These libraries have CD-ROMS containing the trademark database of registered and pending marks. Finally, either a private trademark search company, or an attorney who deals with trademark law, can provide trademark registration information. The PTO cannot provide advice about possible conflicts between marks.

Laws & Rules Governing Federal Registration

The federal registration of trademarks is governed by the Trademark Act of 1946, as amended, 15 U.S.C. §1051 et seq.; the Trademark Rules, 37 C.F.R. Part 2; and the Trademark Manual of Examining Procedure (2d ed. 1993).

Other Types of Applications

In addition to trademarks and service marks, the Trademark Act provides for federal registration of other types of marks, such as certification marks, collective trademarks and service marks, and collective membership marks. These types of marks are relatively rare. For forms and information regarding the registration of these marks, please call the appropriate trademark information number indicated below.

Where to Send the Application and Correspondence

The application and all other correspondence should be addressed to **"The Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513."** The initial application should be directed to **"Box NEW APP / FEE."** An AMENDMENT TO ALLEGE USE should be directed to **"Attn. AAU."** A STATEMENT OF USE or REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE should be directed to **"Box ITU / FEE."** (See page 5 for an explanation of these terms.)

The applicant should indicate its telephone number on the application form. Once a serial number is assigned to the application, the applicant should refer to the serial number in all written and telephone communications concerning the application.

It is advisable to submit a stamped, self-addressed postcard with the application specifically listing each item in the mailing, that is, the written application, the drawing, the fee, and the specimens (if appropriate). The PTO will stamp the filing date and serial number of the application on the postcard to acknowledge receipt. This will help the applicant if any item is later lost or if the applicant wishes to inquire about the application. The PTO will send a separate official notification of the filing date and serial number for every application about two months after receipt.

Use of the "TM," "SM" and "®" Symbols

Anyone who claims rights in a mark may use the TM (trademark) or SM (service mark) designation with the mark to alert the public to the claim. It is not necessary to have a registration, or even a pending application, to use these designations. The claim may or may not be valid. The registration symbol, ®, may only be used when the mark is registered in the PTO. It is improper to use this symbol at any point before the registration issues. Please omit all symbols from the mark in the drawing you submit with your application; the symbols are not considered part of the mark.

Information Numbers

General Trademark or Patent Information	(703) 308-HELP
Automated (Recorded) General Trademark or Patent Information	(703) 557-INFO
Automated Line for Status Information on Trademark Applications (Additional status information is available at (703) 308-9400)	(703) 305-8747
Assignment & Certification Branch (Assignments, Changes of Name, and Certified Copies of Applications and Registrations)	(703) 308-9723
Trademark Assistance Center	(703) 308-9000
Information Regarding Renewals [Sec. 9], Affidavits of Use [Sec. 8], Incontestability [Sec. 15], or Correcting a Mistake on a Registration	(703) 308-9500
Information Regarding Applications Based on International Agreements or for Certification, Collective, or Collective Membership Marks	(703) 308-9000
Trademark Trial and Appeal Board	(703) 308-9300
Assistant Commissioner for Trademarks	(703) 308-8900

THE REGISTRATION PROCESS

Filing Date - Filing Receipt

The PTO is responsible for the federal registration of trademarks. When an application is received, the PTO reviews it to determine if it meets the minimum requirements for receiving a filing date. If the application meets the filing requirements, the PTO assigns it a serial number and sends the applicant a receipt about two months after filing. If the minimum requirements are not met, the entire mailing, including the filing fee, is returned to the applicant.

Examination

About four months after filing, an examining attorney at the PTO reviews the application and determines whether the mark may be registered. If the examining attorney determines that the mark cannot be registered, the examining attorney will issue a letter listing any grounds for refusal and any corrections

required in the application. The examining attorney may also contact the applicant by telephone if only minor corrections are required. The applicant must respond to any objections within six months of the mailing date of the letter, or the application will be abandoned. If the applicant's response does not overcome all objections, the examining attorney will issue a final refusal. The applicant may then appeal to the Trademark Trial and Appeal Board, an administrative tribunal within the PTO.

A common ground for refusal is likelihood of confusion between the applicant's mark and a registered mark. This ground is discussed on pages 2 and 3. Marks which are merely descriptive in relation to the applicant's goods or services, or a feature of the goods or services, may also be refused. Marks consisting of geographic terms or surnames may also be refused. Marks may be refused for other reasons as well.

Publication for Opposition

If there are no objections, or if the applicant overcomes all objections, the examining attorney will approve the mark for publication in the Official Gazette, a weekly publication of the PTO. The PTO will send a NOTICE OF PUBLICATION to the applicant indicating the date of publication. In the case of two or more applications for similar marks, the PTO will publish the application with the earliest effective filing date first. Any party who believes it may be damaged by the registration of the mark has 30 days from the date of publication to file an opposition to registration. An opposition is similar to a formal proceeding in the federal courts, but is held before the Trademark Trial and Appeal Board. If no opposition is filed, the application enters the next stage of the registration process.

Issuance of Certificate of Registration or Notice of Allowance

If the application was based upon the actual use of the mark in commerce prior to approval for publication, the PTO will register the mark and issue a registration certificate about 12 weeks after the date the mark was published, if no opposition was filed.

If, instead, the mark was published based upon the applicant's statement of having a bona fide intention to use the mark in commerce, the PTO will issue a NOTICE OF ALLOWANCE about 12 weeks after the date the mark was published, again provided no opposition was filed. The applicant then has six months from the date of the NOTICE OF ALLOWANCE to either (1) use the mark in commerce and submit a STATEMENT OF USE, or (2) request a six-month EXTENSION OF TIME TO FILE A STATEMENT OF USE (see forms and instructions in this booklet). The applicant may request additional extensions of time only as noted in the instructions on the back of the extension form. If the STATEMENT OF USE is filed and approved, the PTO will then issue the registration certificate.

FILING REQUIREMENTS

WARNING: BEFORE COMPLETING AN APPLICATION, READ THE INSTRUCTIONS CAREFULLY AND STUDY THE EXAMPLES PROVIDED. ERRORS OR OMISSIONS MAY RESULT IN THE DENIAL OF A FILING DATE AND THE RETURN OF APPLICATION PAPERS, *OR* THE DENIAL OF REGISTRATION AND FORFEITURE OF THE FILING FEE.

To receive a filing date, the applicant must provide all of the following:

1. A **written application** form;
2. A **drawing** of the mark on a separate piece of paper;

3. The required filing fee (see page 11 for fee information); and
4. If the application is filed based upon prior use of the mark in commerce, **three specimens** for each class of goods or services. The specimens must show actual use of the mark with the goods or services. The specimens may be identical or they may be examples of three different uses showing the same mark.

3. FEES

Filing Fee

The **application filing fee** is **$245.00** for **each class** of goods or services listed. (See the International Classification of Goods and Services listed on the inside of the back cover.) **At least $245.00 must accompany the application, or the application will be denied a filing date and all the papers returned to the applicant.** Fee increases, when necessary, usually take effect on October 1 of any given year. Please call the general information number listed on page 4 for up-to-date fee information if filing after September 1995. The PTO receives no taxpayer funds. The PTO's operations are supported entirely from fees paid by applicants and registrants.

Additional Fees Related to Intent-To-Use Applications

In addition to the application filing fee, applicants filing based on a bona fide intention to use a mark in commerce must submit a fee of **$100.00** for **each class** of goods or services in the application when filing any of the following:

- an AMENDMENT TO ALLEGE USE
- a STATEMENT OF USE
- a REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE

Form of Payment

All payments must be made in United States currency, by check, post office money order or certified check. Personal or business checks may be submitted. Make checks and money orders payable to: **The Assistant Commissioner for Trademarks.**

NOTE: FEES ARE NOT REFUNDABLE.

4. SPECIMENS

The following information is designed to provide guidance regarding the specimens required to show use of the mark in commerce.

When to File the Specimens

If the applicant has already used the mark in commerce and files based on this use in commerce, then the applicant must submit **three specimens per class** showing use of the mark in commerce with the application. If, instead, the application is based on a bona fide intention to use mark in commerce, the applicant must submit **three specimens per class** at the time the applicant files either an AMENDMENT TO ALLEGE USE or a STATEMENT OF USE.

What to File as a Specimen

The specimens must be actual samples of how the mark is being used in commerce. **The specimens may be identical or they may be examples of three different uses showing the same mark.**

If the mark is used on **goods**, examples of acceptable specimens are tags or labels which are attached to the goods, containers for the goods, displays associated with the goods, or photographs of the goods showing use of the mark on the goods themselves. If it is impractical to send an actual specimen because of its size, photographs or other acceptable reproductions that show the mark on the goods, or packaging for the goods, must be furnished. Invoices, announcements, order forms, bills of lading, leaflets, brochures, catalogs, publicity releases, letterhead, and business cards generally are not acceptable specimens for goods.

If the mark is used for **services**, examples of acceptable specimens are signs, brochures about the services, advertisements for the services, business cards or stationery showing the mark in connection with the services, or photographs which show the mark either as it is used in the rendering or advertising of the services. In the case of a service mark, the specimens must either show the mark and include some clear reference to the type of services rendered under the mark in some form of advertising, or show the mark as it is used in the rendering of the service, for example on a store front or the side of a delivery or service truck.

Specimens may not be larger than 8½ inches by 11 inches (21.59 cm by 27.94 cm) and must be flat. See pages 18 through 22 for samples of some different types of specimens. Smaller specimens, such as labels, may be stapled to a sheet of paper and labeled "SPECIMENS." A separate sheet can be used for each class.

ADDITIONAL REQUIREMENTS FOR INTENT-TO-USE APPLICATIONS

An applicant who files its application based on having a bona fide intention to use a mark in commerce must make use of the mark in commerce before the mark can register. After use in commerce begins, the applicant must submit:

1. three specimens evidencing use as discussed above;
2. a fee of $100.00 per class of goods or services in the application; and
3. either (1) an AMENDMENT TO ALLEGE USE if the application has not yet been approved for publication (use PTO Form 1579) or (2) a STATEMENT OF USE if the mark has been published and the PTO has issued a NOTICE OF ALLOWANCE (use PTO Form 1580).

If the applicant will not make use of the mark in commerce within six months of the NOTICE OF ALLOWANCE, the applicant must file a REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE, or the application is abandoned. (Use PTO Form 1581, which is intended only for this purpose.)

See the instructions and information on the back of the forms. The previous information about specimens, identifications of goods and services and dates of use is also relevant to filing an AMENDMENT TO ALLEGE USE or STATEMENT OF USE. Follow the instructions on these forms carefully. Failure to file the necessary papers in proper form within the time provided may result in abandonment of the application.

PATENT AND TRADEMARK OFFICE SERVICES

Trademark Assistance Center

In order to provide improved service to trademark applicants, registrants, and the general public, the Patent and Trademark Office has implemented a pilot program called the "Trademark Assistance Center." The Center provides general information about the trademark registration process and responds to inquiries pertaining to the status of specific trademark applications and registrations. The location of the Center is 2900 Crystal Drive, Room 4B10, Arlington, Virginia 22202-3513. Assistance may be obtained in-person or by dialing (703) 308-9000, Monday through Friday, 8:30 a.m. -5:00 p.m. eastern time, except holidays. Please note that personal assistance concerning trademark as well as patent matters will continue to be available at (703) 308-HELP and recorded information will continue to be available at (703) 557-INFO. Also, automated information about the status of trademark applications and registrations will continue to be available at (703) 305-8747.

Patent and Trademark Depository Libraries

The following libraries, designated as Patent and Trademark Depository Libraries (PTDLs) receive patent and trademark information in various formats from the U.S. Patent and Trademark Office. Many PTDLs have on file all full-text patents issued since 1790, trademarks published since 1872, and select collections of foreign patents. All PTDLs have both the patent and trademark sections of the *Official Gazette of the U.S. Patent and Trademark Office*. The full-text utility and design patents are distributed numerically on 16 mm microfilm, and plant patents on color microfiche. Patent and trademark search systems on CD-ROM format are available at all PTDLs to increase utilization of and enhance access to the information found in patents and trademarks. It is through the CD-ROM systems that preliminary patent and trademark searches can be conducted through the numerically arranged collections.

All information is available for use by the public free of charge. Facilities for making paper copies of patent and trademark information are generally provided for a fee.

State	Name of Library	Telephone Contact
Alabama	Auburn University Libraries	(205) 844-1747
	Birmingham Public Library	(205) 226-3620
Alaska	Anchorage: Z.J. Loussac Public Library	(907) 562-7323
Arizona	Tempe: Noble Library, Arizona State University	(602) 965-7010
Arkansas	Little Rock: Arkansas State Library	(501) 682-2053
California	Los Angeles Public Library	(213) 228-7220
	Sacramento: California State Library	(916) 654-0069
	San Diego Public Library	(619) 236-5813
	San Francisco Public Library	Not Yet Operational
	Sunny vale Patent Clearinghouse	(408) 730-7290
Colorado	Denver Public Library	(303) 640-8847
Connecticut	New Haven: Science Park Library	(203) 786-5447
Delaware	Newark: University of Delaware Library	(302) 831-2965
Dist. of Columbia	Washington: Howard University Libraries	(202) 806-7252
Florida	Fort Lauderdale: Broward County Main Library	(305) 357-7444
	Miami-Dade Public Library	(305) 375-2665
	Orlando: University of Central Florida Libraries	(407) 823-2562
	Tampa: Tampa Campus Library, University of South Florida	(813) 974-2726
Georgia	Atlanta: Price Gilbert Memorial Library, Georgia Institute of Technology	(404) 894-4508
Hawaii	Honolulu: Hawaii State Public Library System	(808) 586-3477
Idaho	Moscow: University of Idaho Library	(208) 885-6235
Illinois	Chicago Public Library	(312) 747-4450
	Springfield: Illinois State Library	(217) 782-5659
Indiana	Indianapolis-Marion County Public Library	(317) 269-1741
	West Lafayette: Purdue University Libraries	(317) 494-2873
Iowa	Des Moines: State Library of Iowa	(515) 281-4118
Kansas	Wichita: Ablah Library, Wichita State University	(316) 689-3155
Kentucky	Louisville Free Public Library	(502) 574-1611
Louisiana	Baton Rouge: Troy H. Middleton Library, Louisiana State University	(504) 388-2570
Maine	Orono: Raymond H. Fogler Library, University of Maine	Not Yet Operational
Maryland	College Park: Engineering and Physical Sciences Library, University of Maryland	(301) 405-9157
Massachusetts	Amherst: Physical Sciences Library, University of Massachusetts	(413) 545-1370
	Boston Public Library	(617) 536-5400 Ext. 265
Michigan	Ann Arbor: Engineering Transportation Library, University of Michigan	(313) 764-5298
	Big Rapids: Abigail S. Timme Library, Ferris State University	(616) 592-3602
	Detroit Public Library	(313) 833-1450
Minnesota	Minneapolis Public Library and Information Center	(612) 372-6570
Mississippi	Jackson: Mississippi Library Commission	(601) 359-1036
Missouri	Kansas City: Linda Hall Library	(816) 363-4600
	St. Louis Public Library	(314) 241-2288 Ext. 390
Montana	Butte: Montana College of Mineral Science and Technology Library	(406) 496-4281

Nebraska	Lincoln: Engineering Library, University of Nebraska-Lincoln	(402) 472-3411
Nevada	Reno: University of Nevada-Reno Library	(702) 784-6579
New Hampshire	Durham: University of New Hampshire Library	(603) 862-1777
New Jersey	Newark Public Library	(201) 733-7782
	Piscataway: Library of Science and Medicine, Rutgers University	(908) 445-2895
New Mexico	Albuquerque: University of New Mexico General Library	(505) 277-4412
New York	Albany: New York State Library	(518) 474-5355
	Buffalo and Erie County Public Library	(716) 858-7101
	New York Public Library (The Research Libraries)	(212) 930-0917
North Carolina	Raleigh: D.H. Hill Library, North Carolina State University	(919) 515-3280
North Dakota	Grand Forks: Chester Fritz Library, University of North Dakota	(701) 777-4888
Ohio	Cincinnati and Hamilton County, Public Library of	(513) 369-6936
	Cleveland Public Library	(216) 623-2870
	Columbus: Ohio State University Libraries	(614) 292-6175
	Toledo/Lucas County Public Library	(419) 259-5212
Oklahoma	Stillwater: Oklahoma State University Library	(405) 744-7086
Oregon	Salem: Oregon State Library	(503) 378-4239
Pennsylvania	Philadelphia, The Free Library of	(215) 686-5331
	Pittsburgh, Carnegie Library of	(412) 622-3138
	University Park: Pattee Library, Pennsylvania State University	(814) 865-4861
Rhode Island	Providence Public Library	(401) 455-8027
South Carolina	Charleston: Medical University of South Carolina Library	(803) 792-2372
	Clemson University Libraries	(803) 656-3024
South Dakota	Rapid City: Devereaux Library, South Dakota School of Mines and Technology	Not Yet Operational
Tennessee	Memphis & Shelby County Public Library and Information Center	(901) 725-8877
	Nashville: Stevenson Science Library, Vanderbilt University	(615) 322-2775
Texas	Austin: McKinney Engineering Library, University of Texas at Austin	(512) 495-4500
	College Station: Sterling C. Evans Library, Texas A & M University	(409) 845-3826
	Dallas Public Library	(214) 670-1468
	Houston: The Fondren Library, Rice University	(713) 527-8101 Ext. 2587
Utah	Salt Lake City: Marriott Library, University of Utah	(801) 581-8394
Virginia	Richmond: James Branch Cabell Library, Virginia Commonwealth University	(804) 828-1104
Washington	Seattle: Engineering Library, University of Washington	(206) 543-0740
West Virginia	Morgantown: Evansdale Library, West Virginia University	(304) 293-4510
Wisconsin	Madison: Kurt F. Wendt Library, University of Wisconsin Madison	(608) 262-6845
	Milwaukee Public Library	(414) 286-3247
Wyoming	Casper: Natrona County Public Library	Not Yet Operational

APPENDIX R

CABLE ROYALTY PAYMENTS

A GUIDE TO CABLE COPYRIGHT PAYMENTS

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John I. Stewart, Jr.
Crowell & Moring
July 1996

Under federal law, cable operators are required to pay royalty fees into the U.S. Copyright Office when they retransmit television stations to their subscribers. A system's added royalty obligation for carrying any particular station can range from nothing to hundreds of thousands of dollars per year. The exact amount is determined by a number of factors, including the size of the system, what other stations it is already carrying, and in some cases the application of both old and new FCC cable rules.

As discussed below, recent changes in the copyright law have significantly expanded the area in which many stations can be carried as royalty-free "local" signals. Where a cable system must still pay royalties for a station that is a "distant" signal, however, the calculation of the precise amount of the royalty can be exceedingly complex.

This Guide does not provide a specific answer as to how much any particular system will have to pay to carry any particular station. Instead, it provides an overview of the factors that go into calculating that amount, and allows a station to arrive at a rough estimate of what the royalty cost of carriage should be.

BACKGROUND

Cable systems, like broadcasters, can be sued for copyright infringement by the owners of any programs they transmit without a license. For non-broadcast cable programming services, such as HBO or CNN, systems negotiate directly with the distributors to license the programs' use, and the cable operator pays any agreed-to fee to the distributor.

When a cable operator retransmits broadcast programming, however, it can take advantage of the statutory "compulsory license." Under this license, cable operators do not have to negotiate directly with program owners or distributors. Instead, they pay a prescribed royalty fee to the Copyright Office, which later distributes the collected funds to the owners of the retransmitted works, including the stations. The rates themselves are not negotiated in the marketplace, but have been set by Congress and the Copyright Royalty Tribunal.

Before 1976, cable transmissions of broadcast stations were not considered to be copyright infringements at all, since they were determined not to be "public performances" of the programs. The theory was that cable systems, with their mountaintop headend antennas, were

doing no more than individual viewers do when they put up a rooftop antenna to improve reception at home. But in 1976, the Copyright Act was revised to make it clear that a cable system could be sued for infringement if it transmitted broadcast station signals without paying copyright royalty fees under the compulsory license.

Although the compulsory license ensured that cable systems no longer get programming from television stations for free, cable systems still pay substantially less than it costs stations to buy or produce the same programming. Royalty rates for some distant stations increased after 1981, but they are still well below market prices overall.

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GUIDE TO ROYALTY CALCULATIONS

Twice a year, every cable system must submit a Statement of Account ("SOA") along with a royalty fee check or funds transfer to the U.S. Copyright Office, which is a part of the Library of Congress in Washington. In the SOA, the cable system reports its gross revenues for the preceding six-month reporting period, and calculates its required royalty payment. Each system falls into one of three gross receipts "brackets," which determine which of the SOA forms it will use and the method it must follow to calculate its royalty fee. Copies of a cable system's SOAs can be obtained from the Copyright Office, and the precise amount of its copyright fees can thus be determined directly.

The following chart (page 3) is a basic road map for getting at the question of how much a system's royalty fee should be for a particular additional station. It serves as an overview and a reference guide for the more detailed, step-by-step explanations in the text that follows.

As will be seen, the only circumstance in which a cable operator's copyright royalty liability will increase as a result of carrying an additional station is when a "Form 3" system adds a "distant" signal. Although Form 3 systems represent fewer than one out of every five cable systems, they are the largest and, hence, potentially the most important for gaining carriage.

OVERVIEW: CALCULATING THE CABLE ROYALTY COST FOR CARRIAGE OF AN ADDITIONAL TELEVISION STATION

SYSTEM TYPE		BASIS FOR CALCULATING ROYALTY FEES DUE SEMIANNUALLY	ROYALTY COST TO CARRY ONE ADDITIONAL STATION	
Semiannual Gross Receipts[1]	Classification		Type of Station[2]	Cost
$0 - $75,800	"Form 1"	Flat fee of $28	Local	No additional cost
			Distant	No additional cost
$75,801 - $291,999	"Form 2"	Fee equal to 0.5 % of Gross Receipts up to $146,000, plus 1.0% of Gross Receipts over $146,000.	Local	No additional cost
			Distant	No additional cost
$292,000 or more	"Form 3"	Sliding-scale percentages of Gross Receipts for each distant signal carried.[3] The system must pay at least 0.893% of Gross Receipts no matter how few distant signals it carries.	Local	No additional cost
			Distant "Permitted"[4]	Additional charge of sliding-scale percentage of Gross Receipts for each "DSE,"[5] plus surcharge if system is located in Top 100 television market.[6]
			Distant "Non-Permitted"[4]	Additional charge of 3.75% of Gross Receipts for each "DSE."[5]

[1] For the definition of "Gross Receipts," see ¶ B.2 in the text.

[2] "Type of Station" refers here to whether the station would have been a must carry signal on the system under either the 1976 or 1993 FCC must carry rules, in which case the station is "local", or not, in which case the station is "distant" for copyright purposes.

[3] Depending on the type of distant signal, number of distant signals already carried and location of cable system, the percentage for a single distant signal varies between 0.06625% and 3.75%.

[4] "Permitted" and "Non-Permitted" signals are defined at ¶ B.5(c) in the text.

[5] For these purposes, each independent station is counted as one "Distant Signal Equivalent" ("DSE"), and each network affiliate or noncommercial station is counted as one-quarter "DSE." See the discussion in ¶ B.5(a) of the text.

[6] The specific "basic" and "surcharge" percentages are explained in ¶¶ B.5(a) and B.5(b) of the text.

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A. IS THE STATION A "LOCAL" SIGNAL?

The first question in determining how much a system will have to pay to carry a station is whether the station would be a "local" or "distant" signal on that system. If it would be a local signal, then no royalties will be payable due to its carriage. If it is a distant signal, it might still be royalty-free under some circumstances, discussed in Section B.

An amendment to the Copyright Act adopted in October 1994 made the first substantial change since 1976 in the standard for determining whether a signal is local or distant. The rule now is essentially that a signal is local if the station has or would have had "must carry" rights under the FCC's rules in effect on either September 18, 1993, or April 15, 1976.

1. The 1993 Rules.

Under the FCC's 1993 must carry rules, a commercial television station's must carry area extends throughout its home ADI. (For a few stations, whose community of license is located outside their Arbitron-assigned ADI, the county of their community of license is also included within the station's must carry market.) Thus, as a basic rule, a station is now a royalty-free "local" signal on every cable system in its ADI.

This zone of royalty-free carriage will not be frozen as of September 1993. A station's local signal area can be changed in two circumstances: if the FCC updates the ADI configurations at three-year intervals as contemplated under Section 76.55(e) of the FCC's Rules, or if the FCC grants a station's petition to add communities to its must carry market or a cable system's petition to have communities deleted from a station's must carry market under Section 76.59 of the FCC's Rules. If communities are thus added to or deleted from a station's ADI-based must carry market by the FCC, then the station's copyright royalty-free area will be expanded or reduced accordingly. (In the case of a reduction, the station might still be royalty-free if it would have had must carry rights in the deleted area under the FCC's 1976 rules, discussed below.)

With respect to the first basis for modification, since Arbitron has now left the television ratings business and no longer updates its ADI designations, the FCC has decided to change the basis for market definitions to the Nielsen-published DMAs, commencing in October 1999.

With respect to the second, there are numerous petitions pending before the FCC already, most of them filed by cable systems seeking to avoid mandatory carriage of particular stations. The FCC is required to decide these petitions on the basis of four factors: (1) whether the station or other stations located in its area have historically been carried by the system or others nearby, (2) whether the station covers the system's communities with at least a Grade B contour or provides programming service to the communities, (3) whether other local stations provide coverage of news or sports events in the cable communities, and (4)

whether and to what extent there is viewing to the station in cable and non-cable households in the cable communities.

The FCC's 1993 rules also provide that a cable system serving communities in more than one ADI must carry the stations from both. Thus, although the issue has not yet been addressed, it would appear that a station would be royalty-free throughout any system located at least partially within the station's ADI.

Moreover, it would appear that a station would be a royalty-free local signal on every cable system wholly or partially within its ADI even if the particular system could properly avoid mandatory carriage of the station for some other reason under the must carry rules, such as inadequate signal quality, insufficient channel capacity, or substantial duplication. Although, again, the question has not been addressed, this seems to be the correct interpretation of the copyright statute, which makes a station royalty-free throughout the "area in which" it would be entitled to assert must carry rights.

2. The 1976 Rules.

The FCC's 1976 must carry rules were considerably more complex. There may, however, be limited situations in which a station would not be "local" under the 1993 rules, but would be under the 1976 rules. A brief description of the 1976 rules follows.

First, the 1976 rules imposed different must carry requirements on systems located in different sized markets. The system's market size was determined by whether the system "community unit" was located wholly or partially within 35 miles of the reference point of a community of license of a commercial station and, if so, whether and where that community of license was listed in the FCC's 1972 Major Television Market List contained in Section 76.51 of its rules.

From the perspective of a station rather than a system, the 1976 must carry rules can be summarized as follows: a commercial station had must carry rights on a cable system if the system was (1) within 35 miles of the station's community of license, (2) within 35 miles of another city listed as part of the same "hyphenated market" in the Section 76.5 top-100 market list, or generally treated as part of the same market in other markets, (3) within a county or community in which the station had been declared "significantly viewed" by the FCC, or (4) within the station's Grade B contour if either (*a*) the system was "outside all TV markets" (i.e., farther than 35 miles from any commercial station's community of license) or (*b*) the system was in a "smaller" TV market (i.e., a market not included in the FCC's 1972 listing of the top 100 markets) and the station was in a different smaller TV market.

After the 1993 rules gave stations new must carry rights, a number of UHF stations that had first gone on the air after 1972 and were licensed to smaller cities within the top 100 markets found themselves being treated as distant signals on many systems within their metropolitan markets, because their cities of license were not included in the FCC's Section 76.51 list. In response to various petitions, the FCC amended its list to add some of

these cities to the hyphenated market designations, and the Copyright Office later ruled that it would accept these updates as making the stations royalty-free on systems within the 35-mile zones of all cities in the market. With the new legislation making all stations royalty-free throughout their ADI's, however, such market redesignation requests will presumably become less necessary.

It is still possible for a station to obtain a ruling from the FCC that it is significantly viewed in a cable community where there is no other basis for being treated as a local signal. To do so, the station must submit data from an independent professional audience survey of non-cable household viewing in the cable community, in compliance with the requirements of Section 76.54 of the FCC's Rules, demonstrating that viewing levels meet or exceed the viewing share and net weekly circulation standards set out in Section 76.5(i). If the FCC determines that the station is significantly viewed, it will be considered a local signal for copyright purposes.

3. LPTV and Translator Stations.

There are special rules for determining whether an LPTV or translator station is a local signal. Neither qualifies for the ADI-based local market of the 1993 rules, although LPTV stations may enforce must carry rights in particular communities under very limited circumstances. A translator station operating with at least 100 watts of power would have been a must carry station under the 1976 rules if it "served" the cable community, which has generally been considered to require that it be licensed to that community. (The FCC, however, in its November 1994 reconsideration of the 1993 rules, ruled in a different context that a translator "serves" cable systems within its protected contours, an area up to 4 miles from its transmitter site.) For LPTV stations, a 1986 amendment to the Copyright Act provided a "local" carriage area of 35 miles from the station's transmitter site, or 20 miles if the station was within a top-50 SMSA based on 1980 Census data.

4. Non-Commercial Stations.

The 1994 Copyright Act amendment also did not apply to non-commercial stations. Thus, in order to be copyright-free, a non-commercial station must show that it would have had must-carry rights under the FCC's 1976 rules. Those rules provided that a non-commercial station was entitled to carriage on any system within the station's Grade B contour, unless the system was located "outside all TV markets," in which case the station would be local only if the system were within 35 miles of the station's community of license.

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B. IF THE STATION IS A DISTANT SIGNAL, WHAT ROYALTY MUST BE PAID FOR ITS CARRIAGE?

If the station is not a royalty-free local signal, the royalty payment for its carriage can be estimated by answering a series of questions, as follows:

1. Is it a cable system?

For purposes of the Copyright Act, a "cable system" is any facility that receives any television broadcast station signal and retransmits it by wire, microwave or other communications channels "to subscribing members of the public who pay for such service."

Some cable operators seek to reduce their total copyright liability by treating a single integrated system as several small individual systems. For copyright reporting purposes, however, all commonly-owned units serving contiguous communities are treated as an individual cable system, and all units, whether commonly-owned or not, that operate from a common headend are treated as a single individual system.

2. What are its gross receipts from "secondary transmission service"?

The system's semi-annual gross receipts from subscribers for "secondary transmission service" (i.e., the basic cable service of retransmitting television station signals) determine which SOA form it files. A very rough estimate of a system's gross receipts can be made by multiplying (1) its average number of subscribers by (2) its monthly basic subscriber rate by (3) six months. For reporting purposes, an accrual-basis cable system's revenues are determined by its accruals minus a bad-debt write-off; a cash-basis system's revenues are its actual receipts of subscriber fees for the period. The reporting periods are January through June and July through December.

Gross receipts include all of the subscriber fee revenues for all tiers of service offered by the cable system that include at least one local or distant broadcast signal, including fees for additional set connections and converters.

The gross receipts "brackets," as well as the royalty rates themselves, may be adjusted periodically to account for inflation and changes in basic subscriber rate structures. The most recent inflation adjustment, effective in January 1985, is reflected in the numbers given here. At this writing, it has not yet been determined whether a new set of inflation-based adjustments will be adopted during 1996.

3. Is It a "Form 1" System?

If a system's semi-annual gross receipts from basic service are $75,800 or less, it is a "Form 1" system. (The Copyright Office has combined its two short-form SOAs, so Form 1 systems file on an "SA1-2" form.) Form 1 systems pay a flat semi-annual fee of $28, regardless of how many, if any, distant signals they carry. Form 1 systems can thus add distant signals with no increase in copyright royalty payments, as long as their gross receipts stay below the Form 3 limits, discussed in section B.5.

In 1992, the most recent year for which comprehensive data have been presented in royalty distribution proceedings, Form 1 systems constituted about 62 percent of the more than 13,000 cable systems paying royalties, but only about three-tenths of one percent of the royalty pool of over $180 million collected

during the year. As a rough guide, a cable system charging $10 per month for basic cable service would pass the $75,800 mark and become a "Form 2" system at about 1250 subscribers.

Form 1 systems are not required to specify in their SOAs whether the broadcast signals they carry are distant signals or local signals.

4. Is It a "Form 2" System?

If the system's semi-annual gross receipts are between $75,800 and $292,000, it is a "Form 2" system and files a short-form SA1-2 SOA with the Copyright Office. Form 2 systems' royalty obligations are calculated on the basis of a sliding scale percentage of their gross receipts, regardless of how many, if any, distant signals they carry. The royalty percentage is a maximum of 0.5 percent of their gross receipts up to $146,000 (through gradually declining exclusions of gross receipts, the effective royalty rate increases from about 0.04 percent to 0.5 percent as the system's receipts approach $146,000), plus a flat 1.0 percent of their gross receipts in excess of $146,000. Thus, like Form 1 systems, Form 2 systems can add new distant signals without increasing their copyright royalties, as long as they stay under the Form 3 gross receipts bracket.

The average Form 2 cable system in 1992 paid approximately $850 per semi-annual period. Form 2 systems constituted about 21 percent of the cable systems, but accounted for less than three percent of the royalty pool, for 1992.

Form 2 systems also are not required to specify whether the signals they carry are distant or local.

5. Is It a "Form 3" System?

If the cable system has semi-annual gross receipts of $292,000 or more, it must file a "Form 3" SOA with the Copyright Office. Form 3 systems represented only about 17 percent of the cable systems in 1992, but accounted for 97 percent of the royalties. Unlike Form 1 and Form 2 systems, their royalties are calculated on the basis of the number of distant signals they carry.

Form 3 systems pay copyright royalties under three separate rates: the basic "DSE" rates, the syndicated exclusivity surcharge, and the "3.75" rate:

a. Basic "DSE" Royalties

Form 3 system royalty payments are based upon a sliding scale of percentages of gross receipts, multiplied by the number of "distant signal equivalents" ("DSEs") they carry. A DSE is a numerical value assigned to each distant television station signal retransmitted. A distant independent signal has a value of one DSE, each distant network affiliate or educational station has a value of one-quarter of a DSE, and each Canadian or Mexican station has a value of one DSE. Thus, for example, if a system carries three independent distant signals (1 DSE each), a distant network affiliate (0.25 DSE), and a distant PBS station (0.25 DSE), all of them full-time, its total carriage would represent 3.50 DSEs.

The more DSEs a Form 3 system carries, the higher its total royalty payments, but the lower its Basic rate is for each additional station. The royalty rates are 0.893 percent of gross receipts for the first DSE, 0.563 percent for each of the second, third, and fourth DSEs and 0.265 percent for each additional DSE greater than four. If a Form 3 system carries no distant signals, or less than one DSE, it pays a flat 0.893 percent of its gross receipts. For the 3.50-DSE system in the example given above, its basic royalty fees would total 2.3005 percent of its semi-annual gross receipts (i.e., 0.893% plus 2.50 times 0.563%).

Because of this declining-rate feature, it is difficult to determine precisely how much of a cable system's overall royalties were paid for any particular signal. Systems do not designate which of their signals represents their "first" DSE, subject to a higher royalty rate, as opposed to their "last" DSE, subject to the lowest rate. But in determining the increased copyright liability resulting from adding a new signal to the other distant signals already carried, the appropriate royalty rate would be the lowest marginal rate for that system. The addition of certain stations, however, might require payment of the higher "3.75" rate or an additional surcharge, as described below.

If a Form 3 system carries a television signal that is distant in some portions of its service area but local in other portions, it can divide its subscribers up into separate groups along the same lines, treating each group, in effect, as a different system for gross revenue purposes, and with fewer DSEs for the subscriber group for which the signal is local.

b. Syndicated Exclusivity Surcharge

Form 3 systems located in the top 100 television markets may also have to pay an additional "syndicated exclusivity surcharge" on some of their signals. If the system is located in one of the top 50 television markets, the surcharge is equal to about 2/3 of the basic charge (0.599 percent for the first DSE, 0.377 percent for each of the second, third and fourth DSEs, and 0.178 percent for each additional DSE greater than four). In the second 50 markets, the surcharge represents an additional payment of approximately 1/3 of the basic DSE charge (0.3 percent for the first DSE, 0.189 percent for DSEs two through four, and 0.089 percent for each DSE greater than four.)

Until 1989, these surcharges applied to virtually all distant signals carried by top-100 market systems, and represented nearly $40 million in extra payments. Since January 1, 1990, when the FCC commenced its new syndicated exclusivity rules, the surcharge applies only to the following very limited group of distant signals: VHF stations that place a Grade B contour over part or all of the cable system, which are not within 35 miles of the system or "significantly viewed" in the cable community, and which were not carried by the system prior to March 31, 1972. If the station meets all of these criteria, and the cable system is in a top-100 market, a surcharge will be added to the basic DSE rate for the station. An important wrinkle is that the list of the top 50 and second 50 markets that is used is

the one adopted by the FCC in Section 76.51 of its Rules, which reflects market rankings as of 1972, and has not been regularly updated. The SOA form specifies that the FCC's June 24, 1981, market definition must be used to determine whether the cable system is in a top-50 or second-50 television market. In 1994, the Copyright Office decided to defer the question of how to give effect under the Copyright Act to any market rerankings the FCC might adopt in the future.

c. The "3.75" Rate

Finally, a Form 3 system must pay, instead of the rates described above, a full 3.75 percent of its gross receipts for each DSE representing carriage of a station that was added as a result of the elimination of the FCC's former distant signal limits. The basic distinction for copyright royalty purposes is between signals that were carried or would have been permitted to be carried by the cable system by the FCC's rules in effect until June 1981, and those that would not have been permitted to have been carried. The royalty rule is simple: "Permitted" signals are paid for at the rates described above; "non-permitted" signals are paid for at the 3.75 percent rate.

There are a number of complexities, however, that make the question of whether a signal is a permitted or non-permitted one anything but simple. The following outline of the categories of "permitted" signals raises some, but not all, of these complexities:

(1) Market Quotas.

Under the FCC's former rules, cable systems in different sized television markets were permitted to carry different numbers of distant signals. The system's market size is determined by whether it is within the thirty-five mile radius of the reference point of any community to which a commercial television station is licensed or authorized. There are four market sizes. The "top fifty" and "second fifty" markets are listed in the same 1972 FCC rule used for applying the syndicated exclusivity surcharge, Section 76.51. A "smaller television market" is any community that is not a part of any of the top one hundred markets on the list, and which has a licensed commercial television station or for which a construction permit for a commercial television station has been granted. If the cable system is located more than thirty-five miles from any community of license of a commercial television station, it is considered "outside all TV markets."

The quotas for the different sized markets were as follows: (a) Top Fifty Markets. Cable systems were permitted to carry two distant independent stations, or three distant independent stations if there was no local independent station. They were also permitted to carry a distant ABC, CBS or NBC affiliate if there was no local affiliate of the same network. (b) Second Fifty Markets. Cable systems were permitted to import two distant independent stations and a distant affiliate if there was no local affiliate of the same network. (c) Smaller Television Markets. Cable systems were permitted to import distant signals as necessary to provide a total, including the local stations, of one independent station and one affiliate of each of the three networks. (d) Outside All Television Markets. Cable systems located

outside all television markets were permitted to carry an unlimited number of distant signals.

Thus, if a cable system is located outside all television markets, it is not liable for the 3.75 rate for any distant signals it carries. More and more communities, however, are being assigned their first new television stations. When a construction permit for a commercial television station is granted for a community located less than thirty-five miles from a system that has previously been located outside all television markets, the system might automatically become liable for the 3.75 rate on virtually all of its distant signals. Similarly, as the FCC updates its Section 76.51 market list to add new communities of license to top-100 "hyphenated" markets, some systems located within 35 miles of the added city may change from "smaller" market systems to top-100 market systems.

(2) Non-Commercial Stations and Specialty Stations.

Cable systems in all market sizes were permitted to carry an unlimited number of non-commercial educational stations and "specialty" stations. Non-commercial educational stations, virtually all PBS affiliates, can thus always be carried at the basic DSE rates (and at a rate of one quarter of one DSE, rather than a full DSE).

"Specialty" stations are those that broadcast principally foreign language programming, religious programming or "automated" or scrambled programming. While the FCC's rules were still in effect, there were approximately forty such stations. The Copyright Office maintains a list of specialty stations which can be updated to reflect changes in programming. Thus, a station that would qualify for "specialty" station status based on its current programming could be carried at non-3.75 rates even if the same station was not a specialty station before the FCC's rules were deleted.

(3) Grandfathered Stations.

The FCC's distant signal limits permitted stations to continue carrying stations they were carrying prior to March 31, 1972, pursuant to the then current rules of the FCC, even if they exceeded relevant market quota limits. Thus, continued carriage of any such "grandfathered" stations does not subject the cable operator to 3.75 liability.

(4) Waiver Stations.

A number of cable systems applied for and received individual waivers of the market quota restrictions to carry specified distant signals, during the time the FCC's rules were still in effect. Continued carriage of any such stations does not subject the cable operator to 3.75 liability. This exception to the applicability of the 3.75 rate does not apply to the relatively large number of stations for which systems had waiver requests pending when the FCC deleted its rules; all such waiver requests were dismissed, and subsequent carriage of any such stations is not "permitted" carriage for 3.75 rate purposes.

(5) UHF Grade B Carriage.

Any cable system was permitted to carry as a distant signal any UHF station whose signal reaching the cable system community was at least of "Grade B" strength, even if such carriage exceeded the relevant market quota limits. The

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carriage by cable systems of any new UHF stations within their Grade B contour is thus not subject to the 3.75 rate.

(6) Expanded Temporal Carriage.

If only a portion of a station's programming was carried on a distant signal basis pursuant to the FCC's former rules, and that station is subsequently carried on a full-time or otherwise expanded-time basis, then the 3.75 rate would apply only to the portion of the station's programming that would not have been permitted to have been carried previously. The SOA form includes a worksheet for computing the pro-rated application of the 3.75 rate.

(7) "Substitute" Signals.

If a cable system changes the distant signals it carries, the 3.75 rate does not apply to the new or substitute signal, so long as such a substitution would have been permitted under the FCC's former rules. For example, if a cable system in a top-50 market imported two distant independent signals in 1979 pursuant to the market quota limits, but replaced those two distant signals with two different independent station signals in 1985, it would not be required to pay 3.75 royalties for the new signals. Where the permissibility of carriage under the FCC's rules depended upon the specific identity of the station, however, substitution of a different station of the same general type (for example, independent for independent) does not preserve the "permitted" status of the original station. For example, the substitution of a non-specialty independent station for a specialty station, or the substitution of a different independent station for an independent station that was grandfathered or carried pursuant to an individual waiver, cannot be accomplished without 3.75 liability.

(8) "Partially Permitted" Stations.

The FCC's 1981 carriage rules applied to cable "community units," but cable operators may be required to file their Statements of Account for systems that encompass several community units. Where a distant signal would have been permitted in some of the system's community units but not in others, there is a question whether the cable operator may prorate its gross receipts so as to pay the 3.75 rate only for subscribers in the "non-permitted" communities, or is required to pay the 3.75 rate for all subscribers (even if the signal is blocked in the non-permitted communities). At this time, the Copyright Office has not issued a Policy Decision on this issue, and will thus not question an SOA filed on either basis. It will not, however, refund royalties to a cable operator who seeks to amend an SOA filed originally on a full non-permitted basis.

(9) Local Stations.

If a station is not a distant signal at all, of course, its carriage is not subject to royalty payments, 3.75 or otherwise. A station is not a distant signal if it would have been a "must carry" signal under the FCC's rules in effect as of April 15, 1976, or September 18, 1993, as discussed in Section A. above. Thus, even if a system is under no current regulatory obligation to carry a station, because it is located outside the station's ADI or some exception to the 1993 must carry rules applies, the system may conceivably still be able choose to carry such a station without being subject to 3.75 or other liability.

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APPENDIX S

STORECASTING GUIDELINES

Storecasting and the Copyright Law--Understanding The § 110(5) Exemption for Small Commercial Establishments[1]

Commercial establishments often provide "piped-in" music for the enjoyment of customers and employees. Some businesses subscribe to background music services like MUZAK, while others use local radio broadcasts for their music programming source. MUZAK comes pre-licensed, but off-the-air "storecasts" infringe the copyrighted music contained in the radio broadcast unless either the business has acquired a performing rights license, or it is exempt from the license requirement under a special provision of the Copyright Act-the § 110(5) exemption for small commercial establishments. Failure to obtain a license, if required, can result in penalties far in excess of the cost of obtaining a license initially.

Public Performance

As a general rule, unlicensed public performances of copyrighted music are unlawful. Broadcast stations generally obtain licenses from performing rights organizations (ASCAP, BMI, SESAC) before broadcasting (publicly performing) copyrighted music. Similarly, commercial establishments that present on-premises musical diversion for their patrons generally must acquire performing rights licenses. A license generally is required whether the on-premises performance is by live musician, disk jockey, or off-the-air broadcast, and regardless of whether the music is intended as merely background or as featured entertainment. Even though a station has a license to perform the music it broadcasts, that license does not cover further performances by persons receiving the broadcasts. Thus, a retail establishment that uses broadcasts as background music for its customers must independently acquire the right to perform the broadcasted music--by license, or by qualifying for an exemption to the licensing requirement.

There are several exceptions to the general rule against unlicensed public performances of music. These include exemptions for teaching, state fairs, religious services, in-store record promotions, and certain nonprofit performances. Compared to these straight-forward exemptions, the § 110(5) exemption for small commercial establishments is sometimes difficult to apply. As outlined below, the law imposes a number of imprecise requirements (and some explicit requirements) which must be met before the exemption can be claimed.

In 1995, an agreement among the National Licensed Beverage Association and ASCAP, BMI and SESAC, was reached which, if incorporated into legislation, would make it unnecessary to engage in complicated analysis and speculations in many cases. The agreement was reached in connection with proposed legislation that would clarify which eating and drinking establishments

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[1]This memorandum was written by E. Scott Johnson, Esquire, an entertainment attorney specializing in copyright, trademark and music industry matters with the law firm Ober, Kaler, Grimes & Shriver, Baltimore, MD. Mr. Johnson was assisted by David M. Ross, currently attending the George Washington University School of Law.

and which retail stores were eligible for exemption from music licensing liability for "storecasting". The agreement would only apply to eating and drinking establishments and retail stores, and would not apply to other types of businesses. The agreement provides specific criteria by which an eating and drinking establishment or a retail store could determine whether or not it needs a license. Since the agreement is not law, none of the performing rights organizations are bound by its terms. BMI is currently applying the agreement guidelines voluntarily.[2] The terms of the agreement are included at the end of this memorandum. Because the NLBA Agreement has not yet become law, reference should be made to the treatment given to the § 110(5) exemption factors by courts, discussed below.

The § 110(5) Exemption

The exemption applies to small commercial establishments using a single receiving apparatus of a kind commonly used in private homes. The difficulty in applying the exemption arises when one must define exactly what constitutes "equipment commonly used in private homes," or how "small" a commercial establishment must be before it can claim the exemption. The following five factors are generally considered in most cases:

1) No charge for the performance
2) No further transmission of the performance
3) Small size area
4) Equipment of a kind commonly used in private homes
5) Ability to afford a music subscription service

If a business fails to meet these requirements, it cannot qualify for the § 110(5) exemption and must either acquire a performing rights license, cease using off-the-air music broadcasts, or run the risk of facing a lawsuit for copyright infringement. Some of these requirements are more flexible than others, but all are important. This section sets forth the prevailing interpretations of these requirements.

1. No Charge

RULE: If a direct charge is made to hear radio or other music broadcasts, the exemption does not apply.

This rule applies when music from a broadcast (or otherwise) is being used as entertainment for which admission is charged. For example, a business cannot claim the exemption if it imposed a cover charge for coming onto its premises where entertainment by broadcasts containing music is offered. In 1993, a federal court prohibited a health club from

[2] Phone interview with BMI conducted on August 14, 1996.

claiming the exemption. One of the reasons given by the court was that there was a direct charge to enter the workout area.[3] In another case, an exemption was held not to apply because a direct charge was made to hear music in a jukebox.[4]

2. No Further Transmission

RULE: If the broadcasts received are further transmitted to the public, the exemption does not apply.

Further transmission is defined as the communication of a transmission by any device or process whereby sounds are received beyond the place from which they are sent. To illustrate: in one case, a radio receiver was located in a commercial establishment owner's private office and, by concealed wiring, the owner "sent" the broadcasts from the office to ceiling speakers located in three separate public areas. The court determined that since the sounds were received beyond the place from which they were sent, even though only in nearby rooms, a further transmission had occurred.[5] However, another court has determined that merely running wires is not a "further transmission" unless the store uses some "device or process" to expand the normal limits of the receiver's capabilities.[6]

Even when the receiver and speakers are not in separate rooms, a further transmission may occur when a broadcast is communicated to a large retail space. A chain of clothing stores was sued for copyright infringement when it played radio broadcasts in its retail stores. The stores used the broadcasts as background music, employing between four and seven speakers covering an area of 2,769 square feet in one store, and approximately 3,500 square feet in another location. In addition to holding that the store's size and type of audio equipment exceeded the "outer limits" of the § 110(5) exemption, (see below, rules three and four), the court ruled that the size of the stores and type of equipment used resulted in further transmission to the public when radio broadcasts were played.[7]

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[3] *Blue Seas Music, Inc. v. Fitness Surveys, Inc.*, 831 F. Supp. 863, 865 (N.D. Ga. 1993).

[4] *Jobete Music Co., Inc. v. Varry White Music*, 788 F. Supp. 262, 267 (M.D.N.C. 1992).

[5] *Merrill v. Bill Miller's Bar-B-Q Enterprises, Inc.*, 688 F. Supp. 1172, 1174-75 (W.D. Tex. 1988).

[6] *BMI v. Claire's Boutiques, Inc.*, 754 F. Supp. 1324 (N.D. Ill. 1990), *aff'd*, 949 F.2d 1482 (7th Cir. 1991), *cert. denied*, 504 U.S. 911, 112 S. Ct. 1942 (1992).

[7] *Sailor Music v. Gap Stores*, 516 F. Supp. 923 (S.D.N.Y.), aff'd 668 F.2d 84 (2nd Cir. 1981), *cert. denied*, 456 U.S. 945, 102 S.Ct. 1012 (1982).

The physical layout of the commercial establishment and the positioning of the receiver and speakers can be decisive in determining whether a further transmission has taken place. By keeping the receiver in the same room with the speakers and by limiting the coverage area of the speakers, a business improves its changes of avoiding a further transmission disqualification from the § 110(5) exemption.

3. Small Size Area

RULE: The § 110(5) exemption applies only to small commercial establishments.

No precise space limitation is provided in the Copyright Act or in any reported case construing the § 110(5) exemption. However, the starting point used by some courts in considering compliance with the small size area requirement has been the Supreme Court's holding in the "George Aiken's Chicken," case.[8] That case involved a fast-food restaurant encompassing 1,055 square feet in total area with a commercial area open to the public of 620 square feet. Aiken used a single radio receiver and four ceiling speakers grouped within a relatively narrow circumference from the receiver to provide background music while his customers waited for carry-out food orders. The Court held that under these facts Aiken had not engaged in a public performance and was not liable for copyright infringement. Subsequently, in 1976, Congress amended the Copyright Act and, while rejecting the "no performance" rationale in Aiken, Congress created the § 110(5) exemption -- specifically referring to the facts of Aiken as the "outer limits" of the exemption.[9]

Several copyright infringement cases have arisen under the 1976 Copyright Act which consider the § 110(5) exemption and its physical size requirements. In many of these cases, Aiken's Chicken was mentioned and size comparisons were made. For example, a hardware store with 13,000 square feet was found to be beyond the "outer limit" of the exemption;[10] a restaurant with only 880 square feet was also found to exceed the size of Aiken and hence was too large to qualify under § 110(5).[11] One court, however, has rejected the square footage requirement as

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[8] *Twentieth Century Music Corp. v. Aiken*, 422 U.S. 151, 95 S.Ct. 1040 (1975).

[9] H.R. Conf. Rep. No. 1733, 94th Cong., 2d Sess. 87, *reprinted* in 1976 U.S. Code Cong. & Admin. News 5810, 5816.

[10] *Merrill v. Country Stores, Inc.*, 669 F. Supp. 1164 (D.N.H. 1987).

[11] *Hickory Grove Music v. Andrews*, 749 F. Supp. 1031 (D. Mont. 1990).

irrelevant,[12] while another court has suggested that 2,000 square feet would be approaching the outer limit, but allowed the exemption to apply to stores as large as 3,300 square feet.[13]

While the size of the establishment is often significant, other factors, such as the type of receiving equipment, number of speakers, and financial substantiality of the business, may also be considered. Thus, it is difficult to predict the outcome of a case that would involve a commercial establishment only slightly larger in physical size than Aiken's Chicken, but which is factually similar in all other respects or which has other facts more compelling than Aiken's. In a 1985 case a federal district court held that a miniature golf course comprising a public area of 7,500 square feet and using six speakers hanging on light poles was within the scope of the exemption because it was open only six months out of the year and rarely generated over $1,000 per month.[14] In a 1990 case, however, a Jeep dealer using a sound system with four recessed ceiling speakers and four public address horns mounted on exterior light poles was found not to have fallen within the exemption.[15] In one recent case, stores which utilized 5,000 square feet of public floor space and between nine and thirty speakers were prohibited from claiming the exemption.[16]

In 1992, a federal appellate court completely rejected the square footage criterion, holding that the exemption applies on a store-by-store basis to a chain of stores, regardless of square footage, so long as the "home-style" apparatus requirement was strictly adhered to.[17] However, a 7,000 square feet restaurant grossing over $800,000 annually and using an 11-speaker PA system was found by another court not to fall within the exemption despite the fact that patrons could not always hear the music or could only hear it in certain sections of the restaurant.[18]

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[12] *Edison Bros. Stores Inc. v. BMI*, 760 F. Supp. 767, (E.D. Mo. 1991), *aff'd*, 954 F.2d 1419, (8th Cir.), *cert. denied*, 504 U.S. 930, 112 S. Ct. 1995 (1992).

[13] *BMI v. Claire's Boutiques, Inc.*, 754 F. Supp. 1324 (N.D. Ill. 1990), *aff'd*, 949 F.2d 1482 (7th Cir. 1991), *cert. denied*, 504 U.S. 911, 112 S. Ct. 1942 (1992).

[14] *Springsteen v. Plaza Roller Dome, Inc.*, 602 F. Supp. 1113, 1119 (M.D.N.C. 1985).

[15] *BMI v. Jeep Sales and Services Co.*, 747 F. Supp. 1190 (E.D. Va. 1990).

[16] *Broadcast Music, Inc. v. Calvin's Furniture & Appliances, Inc.*, No. 93-CV-0161E(H), 1996 WL 291997, *9-11 (W.D.N.Y. 1996).

[17] *Edison Bros. Stores, Inc. v. BMI*, 760 F. Supp. 767 (E.D. Mo. 1991), *aff'd*, 954 F.2d 1419 (8th Cir.), *cert. denied*, 504 U.S. 930, 112 S. Ct. 1995 (1992).

[18] *Crabshaw Music v. K-Bob's of El Paso*, 744 F. Supp. 763 (W.D. Tex. 1990).

4. Equipment of a Kind Commonly Used in Private Homes

RULE: *To qualify for the § 110(5) exemption, a performance must be rendered by a single receiving apparatus of a kind commonly used in private homes.*

The § 110(5) exemption allows the use of ordinary radios for the incidental entertainment of patrons in small businesses or other professional establishments.[19]

Some augmentation of standard home equipment has been permitted under § 110(5). Aiken's Chicken played its receiver through four ceiling speakers grouped within a narrow circumference from the receiver. Congress later described this as the "outer limit" of permissible augmentation. To fit within the exemption, a business may have to show either that its sound system is comparable to Aiken's system, or, if more sophisticated, that it is of a type now commonly found in the home. To illustrate: a system identical to Aiken's, but with a stronger power handling grade of speakers, and a standard receiver paired with a 300 watt power amplifier and graphic equalizer, may fail the "commonly used in private homes" requirement. Conversely, a $200 receiver with digital tuning would be acceptable since such receivers are common today, even though such receivers were not commonly found in private homes at the time Aiken was decided.

In one case, plaintiffs called an expert witness to testify that the radio receiver used by a hardware store was not of a type commonly used in private homes. Because the receiver had paging capability, three sets of speaker terminals, and was capable of driving up to 40 loudspeakers, it failed the requirement. The court noted that the receiver was connected to eight ceiling speakers, and that this was "hardly the type of sound system commonly found at home even in today's high-tech world."[20] One of the reasons a health club was prohibited from claiming the exemption was its use of 13 recessed ceiling speakers and several floor speakers.[21]

A restaurant could not claim the exemption because it used a stereo system with nine speakers, and a separate control panel and transformers, which allowed the receiver to power up to 40 speakers.[22] In another case, a restaurant that ran hidden wires from a $118 home-style receiver 40 feet to two ceiling speakers placed approximately 30 feet apart was held to be

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[19] Cass County Music Co. v. Muedini, 55 F.3d 263, 267 (7th Cir. 1995). *See National Football League v. Rondor, Inc.*, 840 F. Supp. 1160, 1169 (N.D. Ohio 1993).

[20] *Int'l Korwin Corp. v. Kowalczyk*, 665 F. Supp. 652, 657 (N.D. III. 1987).

[21] *Blue Seas Music, Inc. v. Fitness Surveys, Inc.*, 831 F. Supp. 863, 865 (N.D. Ga. 1993).

[22] Cass County Music Co. v. Muedini, 55 F.3d 263, 268 (7th Cir. 1995).

ineligible for the exemption because, taken as whole, this was not a type of receiving apparatus installation commonly found in homes, but was "commercial" in nature.[23] Similarly, another court found a sound system consisting of an amplifier, tuner, audio cassette deck and speakers and wiring originally installed for a public address system to be a commercial system even though it was installed by an amateur, contained some components that were commonly found in the home, and did not provide optimal sound.[24] Two federal courts have ruled that in a chain operation, the home-style, single receiving apparatus criteria must be applied store-by-store and not to the chain as a whole, but courts in other states have not yet addressed this issue.[25]

Perhaps future courts will approve a wider range of equipment as sophisticated gear becomes more common in private homes. It can be anticipated, however, that systems will continue to be scrutinized in certain respects: amplifier output power; number, size and power handling capability of loudspeakers; receptivity/sensitivity of receiver; sophistication of signal processing equipment; and overall similarity to commercial sound systems. Where it can be shown that the equipment or the installation as a whole is not a type commonly used in private homes, the exemption cannot be claimed.

5. Ability to Afford a Music Subscription Service

RULE: A business may be ineligible for the exemption if it can, as a practical matter, afford a subscription to a commercial background music service.

This requirement reflects many courts' view that it was Congress' intention that the § 110(5) exemption should be unavailable to any establishment large enough to be a potential customer of a background music subscription service like MUZAK. Annual sales volume has emerged as one measure of size that some courts consider. To illustrate: in one case, a federal district court held that a hardware store's $2.5 million annual sales volume justified subscription to a commercial background music system.[26] Conversely, another case held that subscription to a commercial background service was not feasible for a miniature golf course with annual receipts

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[23] *Merrill v. Bill Miller's Bar-B-Que Enterprises, Inc.*, 688 F. Supp. 1172, 1174-75 (W.D. Tex. 1988).

[24] *Hickory Grove Music v. Andrews*, 749 F. Supp. 1031 (D. Mont. 1990)

[25] *BMI v. Claire's Boutiques, Inc.*, 754 F. Supp. 1324 (N.D. Ill. 1990), *aff'd* 949 F.2d 1482 (7th Cir. 1991), *cert. denied*, 504 U.S. 911, 112 S. Ct. 1942 (1992). *See also Edison Bros. Stores, Inc. v. BMI*, 760 F. Supp. 767, (E.D. Mo. 1991), *aff'd*, 954 F.2d 1419, (8th Cir.), *cert. denied*, 504 U.S. 930, 112 S. Ct. 1995 (1992).

[26] *Merrill v. County Stores, Inc.*, 669 F. Supp. 1164 (D.N.H. 1987).

under $5,700.[27] In that case the court indicated that the number of locations will be considered in the size inquiry. The Court named The Gap and Casual Corner chains as large operations whose individual locations apparently were considered against the backdrop of the larger operation in determining their eligibility for the exemption. However, chain operations are not disqualified per se as large operations: Aiken's Chicken was one of a chain of restaurants in the Pittsburgh area.

While most courts consider annual sales volume a factor, two federal courts encompassing ten states rejected consideration of this factor. In a 1992 decision, a U.S. Appellate Court affirmed that a chain of 2,500 shops was eligible for the exemption on a store-by-store basis, and dismissed BMI's argument that the size and financial-means of the store or the chain were relevant.[28] In that case, the chain had attempted to comply, on a store-by-store basis, with the exemption by imposing on its stores the following in-store radio usage policy:

1. Only simple, low grade radio-only receivers are to be used.

2. Only two speakers may be attached to a radio receiver.

3. The speakers must be placed within 15 feet of the receiver.

4. Speakers that are built into the walls or ceilings must not be used. Only portable box speakers are allowed.

5. Store managers will be advised that they are not to use tapes, cassettes, or any other type of recording equipment in their stores. They are to play the radio only.[29]

In a 1991 decision, a different federal appellate court also rejected consideration of the financial means criteria, but indicated it would continue considering a store's size.[30] Hence, courts in ten states[31] will no longer consider the financial means criteria. In the rest of the

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[27] *Springsteen v. Plaza Roller Dome, Inc.* 602 F. Supp. 1113 (M.D.N.C. 1985).

[28] *Edison Bros. Stores, Inc. v. BMI*, 760 F. Supp. 767 (E.D. Mo. 1991), *aff'd*, 954 F.2d 1419 (8th Cir.), *cert. denied*, 504 U.S. 930, 112 S. Ct. 1995 (1992).

[29] *Id.* at 769-70.

[30] *BMI v. Claire's Boutiques, Inc.*, 754 F. Supp. 1324 (N.D. Ill. 1990), aff'd, 949 F.2d 1482 n.13 (7th Cir. 1991), cert. denied, 504 U.S. 911, 112 S. Ct. 1942 (1992).

[31] These states include Illinois, Indiana, Wisconsin, Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

country, the outcome is less clear, making the application of § 110(5) to larger enterprises much less certain.

How to Respond

If an irate business owner calls the station about performing rights licenses, keep a few things in mind. First, as a public relations matter, inform a business owner who has been contacted by ASCAP, BMI or SESAC that the station played no part in contacting them, and that the business does not require any license from the station.

If a business is storecasting without a license and is put on notice (by ASCAP, BMI or SESAC) that a license is required, the proprietor must quickly decide whether the § 110(5) exemption applies. If any business determines that the exemption does not apply, a license should be acquired without delay. Criteria used to determine application of the exemption varies state-to-state. Businesses located in states in the Seventh and Eighth Circuits are subject to substantially different criteria than in other states.[32] The Supreme Court has declined to resolve this inconsistent application of § 110(5).[33] Because of the diverse application of widely varying criteria, legal counsel should be consulted before taking the position that a license is not required. Courts are unsympathetic to defendants in copyright infringement cases who have refused to acquire licenses under these circumstances. Damage awards can be substantial, including back license fees, plaintiff's attorney's fees and other damages.

If a good argument can be made that the § 110(5) exemption does apply, the business proprietor should notify the music licensing organization of its belief that it qualifies for the small commercial establishment exemption. The proprietor should request that the organization explain in writing why the business does not qualify for the exemption. Based on this correspondence, the business proprietor and counsel can determine the appropriate course of action.

License Fees

ASCAP, BMI and SESAC offer annual blanket licenses for establishments that publicly perform music contained in radio broadcasts and do not qualify for an exemption. The following

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[32] *See supra* note 31.

[33] *BMI v. Claire's Boutiques, Inc.*, 754 F. Supp. 1324 (N.D. III. 1990), *aff'd*, 949 F.2d 1482 (7th Cir.), *cert. denied*, 504 U.S. 911, 112 S. Ct. 1942 (1992). *See also Edison Bros. Stores, Inc. v. BMI*, 760 F. Supp. 767, (E.D. Mo. 1991), *aff'd*, 954 F.2d 1419 (8th Cir.), *cert. denied*, 504 U.S. 930, 112 S. Ct. 1995 (1992).

rates for retail commercial establishments (e.g.) department stores, carry-out restaurants,[34] grocery stores, are currently in effect:

ASCAP's Rate Schedule for Retail Stores

ASCAP bases its fees on the number of speakers:

- Up to 3 speakers -- $153.00 per year
- Each additional speaker -- $31.50 per year
- Maximum License Fee -- $1,281.00 per year
- Separate rates apply for audio-visual uses
- Special discount rates apply to chain operations having ten or more stores under common ownership

BMI's License Fee Schedule for Retail and Commercial Establishments

BMI bases its fees on the number of square feet and total floors:

- Up to 1500 sq. feet -- $60 per year
- 1501 to 2500 sq. feet -- $120 per year
- 2501 to 5000 sq. feet -- $240 per year
- Over 5000 sq. feet -- $480 per year
- Each individual floor where music is available is considered a separate premises, but the annual fee per floor after the first floor is $60 regardless of square footage.
- Special discount rates apply to chain operations with ten or more locations.

SESAC

At the time of this article's updating in August, 1996, SESAC could not provide current rate information. SESAC's phone number is 1-800-826-9996.

[34]Rates for larger restaurants and nightclubs are based on different factors. BMI, for example, charges based on the maximum occupancy of all rooms, floors, and areas of the licensed premises, whether live music is also used with recorded music, whether dancing is involved, and whether audiovisual performances are involved. A separate charge exists for live music performances only, with the fee depending on the establishment's average weekly or annual entertainment costs.

Agreement Guidelines Establishing Standards for Eating and Drinking Establishments and Retail Stores

In 1995, an agreement among the National Licensed Beverage Association, BMI, ASCAP, and SESAC was reached on proposed legislation that would clarify which eating and drinking establishments and retail stores would be eligible for exemption from music licensing for the performances of music over radio, television, or cable or satellite audiovisual programming. Because the legislation was not enacted, the terms of this agreement are not binding. BMI, has, however, indicated that it is voluntarily following the terms of the agreement as guidelines.

The following are the terms of the agreement.

Eating and drinking establishments will not need to license music performances if the following conditions are met:

A) The total gross leasable space is less than 3500 square feet.

B) 3500 square feet or more:
* Up to three televisions with screen size of 55 inches or less and no more than two televisions in any room;
* Radio use with up to six speakers and no more than four speakers in any room.

Retail stores will not need to license music performances if the following conditions are met:

A) The total gross leasable space is less than 1500 square feet.

B) 1500 square feet or more:
* Up to two televisions with screen size of 55 inches or less;
* Radio use with up to four speakers.

Uses over the limits set for eating and drinking establishments and retail stores will require a performing rights license. The agreement provides that in all cases, for eating and drinking establishments and retail stores:
* Guidelines apply to all transmissions/retransmissions of radio/TV broadcasts and of cable or satellite audiovisual programming;
* Guidelines apply only where there is no direct charge to see or hear the transmission or retransmission;
* There can be no further transmission beyond the gross leasable area of the establishment;

* The transmission or retransmission is properly licensed.

NAB's Counsel Memos are intended to serve as a source of general information on legal issues of interest to the broadcasting industry. Broadcasters seeking information on how the principles discussed in a Counsel Memo apply to their specific circumstances should seek the advice of their own attorneys.

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APPENDIX T

ROYALTY CLAIM FORM

ATTENTION: ALL COMMERCIAL TV STATIONS
July Deadline for Filing Cable Copyright Royalty Claims

Summary

It's time again to file your claim for cable copyright royalties. In order to receive any royalties, your claim must be filed **during the month of July**.

Remember that your claim must now be filed with the **Copyright Arbitration Royalty Panel ("CARP")** at the US Copyright Office, and that you must file an original and two copies, not just an original. If you mail your claim, you should use **Certified Mail, Return Receipt Requested**, and save the mailing receipt to be able to prove timely filing. Also, remember the requirement that your station be carried on a cable system outside the station's ADI.

What are the Cable Royalties?

Under the Copyright Act, a cable system must pay "compulsory license" royalties in order to carry distant television signals. These royalties, which systems pay twice a year, are used to compensate the owners of copyrighted works on the distant signals. After each year's royalties are collected, proceedings are held to divide them among the copyright owner groups who claim a share. Ultimately, the *royalties are awarded only to those who have filed a formal claim with the "CARP".*

Should You File a Claim?

Every television station that was carried as a distant signal by any cable system in 1995 should file a claim during July 1996. (Even if you weren't carried, you should file if you own a program that aired on another station that was carried.)

The annual royalty fund totals about $160 million. As a service to its members and the broadcast industry, NAB will seek a share of the royalties on behalf of all US commercial television stations that authorize NAB to represent them.

In order to be eligible to collect a share of these royalties from NAB, a broadcast station must (1) authorize NAB in writing to represent it, (2) provide NAB with certain programming information, and (3) file its own claim *directly* with the "CARP" at the Copyright Office.

This memo explains step 3, namely how to file a claim. A sample is attached. **Remember**, if you do not file a timely claim you cannot collect any royalties.

What Your Claim Must Include

1. **Name** (full legal name of the claimant, station call letters, licensee and parent company, if any);
2. **Address** (street address of the claimant's place of business) plus **telephone number** and **fax number**, if any;
3. Period for which the claim is made **January-December 1995**;
4. General statement of the *types of copyrighted works for which the claim is being made* (i.e., "station-produced programming," the station's broadcast day "compilation," and syndicated programs to which the station owns exclusive rights);
5. **An example of the distant cable carriage for which you claim royalties.** This requirement has four parts: (a) call sign and channel number, (b) title of the copyright-owned program broadcast on the station (e.g., "The Five O'Clock News"), (c) single date and time during 1995 when that program was broadcast, and (d) the name of the cable system that carried the station **as a distant signal** and retransmitted that particular program;
6. The **original signature** of the claimant or its authorized representative.

If the legal name or address of the claimant changes after filing, the Copyright Office must be notified.

Reminders

The cable system used as an example of distant carriage must be (1) outside the station's ADI, (2) at least 35 miles from the station's city of license, (3) outside the station's predicted Grade B contour, and (4) in a county where the station is not "significantly viewed."

Each station should file its own claim, but a group owner may file a single claim on behalf of all stations in the group, preferably listing an example of distant carriage for each of them. A claim filed only in the name of a single station in a group will not qualify other stations in the group to receive royalties.

Again, remember to file an original and two copies of your claim, send it return receipt requested, and save the mailing receipt to prove timely filing.

Where and When to File

A sample form which you could adapt for your own use is attached. You may file on station letterhead or plain paper.

If you file by mail, your claim must be mailed to the "CARP" with a US Postmark date of no earlier than July 1, 1996 and no later than July 31, 1996. Claims received after July will be rejected unless you can prove timely mailing with a US Postal Service postmark (meters don't count) or a Postal Service mailing receipt. No faxed claims will be accepted. Send your claim *directly* to:

Copyright Arbitration Royalty Panel
P.O. Box 70977
Southwest Station
Washington, D.C. 20024

If your claim is filed by your Washington lawyer, it can be hand delivered to:

U.S. Copyright Office
Office of Gen. Counsel, Rm. LM-403
101 Independence Ave., S.E.
Washington, D.C. 20540
In either case, the envelope should be prominently labeled "ROYALTY CLAIM."

Questions

Call NAB's outside legal counsel, John Stewart at Crowell & Moring (202) 624-2685.

NAB's Counsel Memos are intended to serve as a source of general information on legal issues of interest to the broadcast industry. Broadcasters seeking information on how the principles discussed in a Counsel Memo apply to their specific circumstances should seek the advice of their own attorneys.

SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE

Before the
COPYRIGHT ARBITRATION ROYALTY PANEL
Washington, D.C. 20024
Claim to 1995 Cable Copyright Royalties

I. CLAIMANT [Name of Licensee], licensee of television station [your call sign], [city], [state], and [parent corporation], its parent corporation

II. ADDRESS OF CLAIMANT [number and street], [city], [state] [zip code]
[telephone number], [fax number]

III. PERIOD FOR WHICH CLAIM IS FILED
January 1, 1995 - December 31, 1995

IV. NATURE OF WORK FOR WHICH CLAIM IS FILED

(1) All station-produced programming (including newscasts, public affairs, children's and sports programming) broadcast by [your call sign]. Examples include but are not limited to:

(a)_____
(b)_____
(c)_____

(2) The station's entire broadcast day is a compilation. [All stations should include this sentence.]

(3) Syndicated programs for which [your station call sign] is the copyright holder of exclusive exhibition rights against other broadcast stations carried by a cable system in the [your call sign] market area as a distant retransmission, including but not limited to:

(a) Various off-network, made for TV, syndicated programs by film and tape;
(b) Various motion pictures.

(4) Sports events broadcast by [your call sign]. [*If the next item applies, include it as well*].

(5) Programs produced by [your call sign] and broadcast on other stations during 1995, including but not limited to "[name of program]" which were broadcast during 1995 on [call signs of other stations carrying it].

V. EXAMPLES OF DISTANT CABLE CARRIAGE IN 1995 [include at least one]
"[Name of locally produced program]" was broadcast on [your call sign] and retransmitted by [distant cable system name and community served] on [date], 1995, at [time].

Respectfully submitted,

_____ _____
[LICENSEE] By: [Signature of Officer]

_____ _____
[Title] Date: July [day], 1996

Where brackets appear, fill in information for your station.

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NATIONAL ASSOCIATION OF BROADCASTERS

LEGAL GUIDE

TO BROADCAST LAW AND REGULATION