

Attachment A

Busting the Broadcast “Postcard” License Renewal Application Urban Legend

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Critics of the Federal Communications Commission's (FCC) broadcast license renewal application often refer to the application as a "postcard." So much so, it is now commonly held urban legend that the application is a mere postcard. Even FCC Commissioner Copps complains that, "Instead of having stations 'send in a postcard every eight years,' the FCC should require that stations renew their license every three years."¹

To borrow from the popular program *Mythbusters*, this paper will review in detail the current application process and will *bust* the urban legend of a postcard renewal and the parallel legend of a rubber-stamp renewal grant. The fact is that the renewal application itself is substantial (38 pages of instructions and form, not including the additional forms that the FCC requires to be filed as part of the renewal process). We will also come to learn that far from being a rubber-stamp, the FCC review process is rigorous and thorough, taking on average six months to review the applications the agency has granted (longer for television stations) and resulting in the issuance of hundreds of forfeitures and admonishments. In fact, during the past renewal cycle, 8.1% of all renewal applications either were not granted, have yet to be granted, or were granted with a forfeiture or admonishment. And even according to the government's own conservative estimates, the total annual cost on applicants for the license renewal process is over 7.3 million dollars.

¹ Kathy Haley, *FCC to Aid Women's, Minority Access to Capital*, TV NEWSDAY, Mar. 14, 2008. This is not the first time that Commissioner Copps has given credence to the postcard renewal urban legend. In an Op-Ed piece in the *New York Times* on June 2, 2007, Commissioner Copps wrote, "Now we have what big broadcasters lovingly call 'postcard renewal' – the agency typically rubber-stamps an application without any substantive review." Michael J. Copps, *The Price of Free Airwaves*, N.Y. TIMES, June 2, 2007. We can find no evidence that any broadcaster lovingly referred to the renewal application process as a postcard.

Evolution of the License Renewal Application

As with most urban legends, the postcard renewal legend began with some grain of truth. In this case, there was a time when the renewal application was, in fact, a postcard. Attached as Exhibit A is a renewal application from 1987—a half-page form and a half-page of instructions. The postcard renewal form was initially known as the simplified renewal application, or “SRA,” first adopted in 1981.² This form was used through 1994. In 1994, the FCC adopted changes to the broadcast license renewal processes to conform the renewal dates for FM and television (TV) translators and low power television stations (LPTV) to the renewal cycle for full-power television and FM stations, and to permit the combination of FM and TV translator and/or LPTV station renewals with the primary station renewal.³ A Public Notice was issued on March 23, 1995, announcing the publication of the revised FCC Form 303-S and Radio Broadcast Renewal Booklet.⁴ The booklet was to be mailed to licensees seven months prior to their license expiration and contained: (1) the new Form 303-S Renewal Application; (2) Form 396 Broadcast EEO Program Report; (3) Form 323/323-E Ownership Reports; (4) Form 5072 Mailing Address Change; (5) Form 159 Remittance Advice; instructions; and appendices (including date charts, local public notice and RF/environmental compliance worksheets). So the postcard renewal went from an actual postcard to a “booklet” that

² *Revision of Applications for Renewals of License of Commercial and Non-Commercial AM, FM and Television Licensees*, 49 RR 2d 740 (1981), *aff'd. sub nom.*, *Black Citizens for a Fair Media*, 719 F.2d 407 (D.C. Cir. 1983), *cert. denied*, 467 U.S. 1255 (1984).

³ *Modifying Renewal Dates for Certain Stations Licensed Under Part 74 of the Commission's Rules; and Revising FCC Form 303-S, Application for Renewal of License for Commercial and Noncommercial AM, FM, or TV Broadcast Stations, TV and FM Translator Stations, and Low Power TV Stations*, 9 FCC Rcd 6504 (1994).

⁴ Public Notice, *Radio Broadcast License Renewal Booklet and New FCC Form 303-S Available; New FCC Form 303-S to be Used by All Radio and TV Applicants* (rel. Mar. 23, 1995).

contained several forms and renewal instructions. More on this later. In October 1997, an amended 303-S became available that integrated the children's television programming reporting requirements effective as of September 1, 1997.⁵ The model for the current form was adopted in 2003 to reflect mandatory electronic filing. The current form has been revised from time-to-time to reflect various changes in the FCC's rules and policies since 2003.

The Anatomy of the Renewal Application

Radio Renewals

As mentioned above, the renewal application form itself, FCC Form 303-S is a 38-page document, consisting of 29 pages of instructions and a 9 page application form. Attached as Exhibit B is the current license renewal form. Let's walk through the form, question by question, to better understand the detail-oriented and substantive nature of the form. Section I of the form (Questions 1-7) requests identifying information — licensee name, address, phone, email, FCC Registration Number (FRN), Call Sign of the station and Facility Identifier; Contact Representative information (usually the FCC attorney for the station); fee information; purpose of the application; whether the station is commercial or non-commercial; service (AM, FM, TV, etc.) and community of license of the station.

Section II of the form (Questions 1-6) requires yes/no legal certifications which require the licensee to certify that:

1. It answered each question in the application based on the instructions and worksheets and that "yes" answers to the certifications represent the rules, and criteria set forth in the application, instructions and worksheets;

⁵ See *Policies and Rules Concerning Children's Television Programming, Revision of Programming Policies*, 11 FCC Rcd 10660 (1996).

2. Neither the licensee nor any party to the application has had any interest in any broadcast application or proceeding involving character issues;
3. There are no adverse findings or final action regarding any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination;
4. There were no violations of the Communications Act in the term for which renewal is requested;
5. It and any party to the application are in compliance with the Communications Act relating to foreign ownership;
6. Neither the licensee nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act.

Any “no” answers require that the licensee file an exhibit providing a complete description of the circumstances as to why the licensee could not answer “yes”.

Section III of the form (Questions 1-6) applies to AM and FM Licensees only.

Again these are yes/no certifications. Here, two additional forms come into play — the Biennial Ownership Report (FCC Form 323), attached as Exhibit C, and the Broadcast EEO Program Report (FCC Form 396), attached as Exhibit D. *Far from being a postcard, the renewal application for radio stations encompasses two other forms that must be filed along with the renewal application.* The ownership report consists of 5 pages of instructions and a 5-page form. The actual report, depending on the structure of the licensee (not the number of stations it owns), can run several hundred pages long.⁶ In addition, this form must be filed every other year. The Broadcast EEO Program Report is a 3-page form which requires several pages of exhibits to properly complete the report.

⁶ The licensee of the station must file an ownership report and if the licensee is controlled by another entity or if another entity has an attributable interest in the licensee, a separate ownership report is required for each such entity on up the ownership chain. Licensees often have complex ownership structures with several attributable ownership entities. It is not uncommon for a single licensee to have to file ten or more ownership reports, each with several pages of exhibits.

Let's total the pages of the forms to the renewal application package so far: 34 pages of instructions and 17 pages of applications/reports. Our urban legend is on shaky ground.

Back to the renewal application — here are the certifications required in Section III of the Form:

1. The Biennial Ownership Report (FCC 323 or FCC 323-E) was filed;
2. The Broadcast EEO Program Report (FCC 396) was filed;
3. That all the documentation required by the FCC's rules has been timely placed in the station's public inspection file. In order to certify "yes," the licensee must have continually placed various documents in the public file over the license term. This includes the requirement that the licensee compile and complete a list quarterly of the programs it aired that were responsive to the needs of the community it serves;
4. The licensee has not been silent for any consecutive 12-month period;
5. The station is currently on the air;
6. The station complies with maximum permissible radiofrequency electromagnetic exposure limits. This certification may require a separate exhibit. The exhibit is so complex that it takes up 15 pages of instructions and worksheets and usually requires a consulting engineer to complete.

We now know that radio applicants filing a renewal application must complete three separate forms, file numerous exhibits, and have complied with and completed ongoing requirements throughout the license term. The renewal application is starting to look much more like a book.

TV Renewals

We have seen that the radio station renewal package uses a significantly detailed renewal application form and requires the completion and filing of at least two other forms. As we will discover below, the TV renewal process also adds an extra layer of complexity due to additional regulatory burdens.

Again, let's walk through the renewal application form.

Section I of the form (Questions 1-7) requests identifying information — licensee name, address, phone, email, FCC Registration Number (FRN), Call Sign of the station and Facility Identifier; Contact Representative information (usually the FCC attorney for the station); fee information; purpose of the application; whether the station is commercial or non-commercial; service (AM, FM, TV, etc.) and community of license of the station.

Section II of the form (Questions 1-6) requires yes/no legal certifications which require the licensee to certify that:

1. It answered each question in the application based on the instructions and worksheets and that “yes” answers to the certifications represent the rules and criteria set forth in the application, instructions and worksheets;
2. Neither the licensee nor any party to the application has had any interest in any broadcast application or proceeding involving character issues;
3. There are no adverse findings or final action regarding any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination;
4. There were no violations of the Communications Act in the term for which renewal is requested;
5. It and any party to the application are in compliance with the Communications Act relating to foreign ownership;
6. Neither the licensee nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act.

Any “no” answers require that the licensee file an exhibit providing a complete description of the circumstances as to why the licensee could not answer “yes”.

The next Section, Section IV of the form, applies only to TV licensees (Section III applied only to radio station applicants). Here, *three* additional forms come into play —

the Biennial Ownership Report (FCC Form 323), attached as Exhibit C; the Broadcast EEO Program Report (FCC Form 396), attached as Exhibit D; and the Children's Television Programming Report (FCC Form 398), attached as Exhibit E. The Ownership Report is a document consisting of 5 pages of instructions and a 5-page form. The actual form, depending on the structure of the licensee (not the number of stations it owns) can run several hundred pages long.⁷ In addition, this form must be filed every other year. The Broadcast EEO Program Report is a 3-page form which requires several pages of exhibits to properly complete the form. The FCC Form 323 (or FCC 323-E for noncommercial educational stations) and FCC Form 396 are the same forms filed by radio stations. The Children's Television Programming Report (FCC Form 398) consists of 4 pages of instructions and 7 pages of form. As with the Ownership Report (FCC Form 323), the actual completed form runs several more pages than the form, as each licensee is required to complete Question 4 and Question 10 for each children's program it runs. To put this in perspective, if a licensee broadcasts the minimum guideline⁸ of three hours of children's educational and informational programming per week (usually consisting of 6 half-hour programs), that licensee must complete Question 4 and Question 10 at least 6 separate times. If the TV licensee runs a second broadcast channel on its digital

⁷ See Footnote 6, above.

⁸ Each TV station is required to serve the educational and informational needs of children through its overall programming and programming specifically designed to serve those needs. The FCC has a recommended compliance guideline of an average of three hours of CORE Programming per week. CORE Programming is educational and informational programming that is specifically designed to serve the educational and informational needs of children and that also meet the following criteria: (i) the program has serving the educational and informational needs of children ages 16 and under as a significant purpose; (ii) the program is aired between 7:00 a.m.-10:00 p.m.; (iii) the program is a regularly scheduled weekly program; (iv) the program is at least 30 minutes in length; (v) the program is identified as specially designed to educate and inform children by the display on the screen of the E/I symbol; (vi) the educational and informational objective of the program and the target child audience are specified in writing in the FCC Form 398; and (vii) instructions for listing the program as educational/informational including the target age group are provided to the publishers of program guides.

spectrum, it must complete Question 10 again, and it must do so for each additional digital channel it broadcasts. Moreover, this form is not just filed once — it must be completed quarterly (four times per year), for a total of 32 times over the license term.

As with the radio renewal process, the total number of pages of the forms in the renewal application package so far equals 34 pages of instructions and 17 pages of applications/reports. And, for TV stations the renewal filing has gotten much more complex and time-consuming with the addition of the quarterly Children’s Television Programming Report, which brings the page totals up to 38 pages of instructions and 24 pages of applications/reports. Let’s go through the certifications required specifically of TV applicants in Section IV of the renewal application form. The licensee must certify as follows:

1. The Biennial Ownership Form was filed;
2. The Broadcast EEO Program Report was filed;
3. That all the documentation required by the FCC’s rules has been timely placed in the public inspection file. In order to certify “yes,” the licensee must have continually placed various documents in the public file over license term. This includes the requirement that the licensee compile and complete a list quarterly of the programs it aired that were responsive to the needs of the community it serves. This list is in the process of being replaced by the new 12 page “Standardized Television Disclosure Form” (FCC 355), which includes 4 pages of instructions and 8 pages of report. *See FCC 07-205, released January 24, 2008;*
4. Here, the licensee must certify that it received no written comments or “suggestions” from the public that characterize the station’s programming as violent. The FCC’s rules limits this to the most recent-three year period prior to filing the renewal application. If such comments were received, the licensee must attach an exhibit summarizing these written comments and suggestions from the public;
5. For the preceding eight years, the licensee complied with the limits on the amount of commercial matter in Children’s programs. Each quarter, the licensee must prepare a certification that it met the commercial limits (or if

it did not, the amount of overages) and place that in the public file. The licensee must report any commercial overage in the term for which the renewal application is filed;

6. Here is where the Children's Television Programming Reports come into play. The licensee certifies that it has filed with the FCC (and incorporates by reference) each of the 32 FCC Form 398s it has filed over the term of its license at the time its license renewal application is submitted. The licensee must report here if even one of the quarterly reports was not filed during the license term;
7. Continuing with the Children's theme — the licensee must certify compliance that it broadcast at least 3 hours per week of educational and informational programming aimed at children (averaged over a six-month period). Again, any period in which this requirement was not met requires an exhibit explaining why or how the station met the children's programming requirement if it fell short of the three-hour average;
8. This certification requires the licensee to certify that, prior to each children's program meeting the CORE requirements (CORE programming is programming aimed at children under the age of 16, broadcast between 7:00 a.m. and 10:00 p.m. that is regularly scheduled, at least 30 minutes in length, and is specifically designed to educate and inform children), it identified the programming as CORE at the beginning of the program when broadcast. If the licensee cannot make this certification, an exhibit is required;
9. In addition to identifying CORE programming on air, the licensee must also provide publishers of program guides with information regarding each CORE program it airs along with the target child audience. Again, if the licensee cannot make this certification, it must provide an explanatory exhibit;
10. The licensee must also publicize the existence and location of the station's FCC Form 398 — meaning, the station must tell the public that the FCC Form 398 is available for review in its public file and give the location of the public file. If the licensee did not make this publication at any time during the preceding term, it must file an explanatory exhibit;
11. Here the licensee may include any other comments or information it would like the FCC to consider in evaluating the licensee's compliance with the Children's Television Act. This usually includes non-CORE programming broadcast by the licensee or other non-broadcast efforts made by the licensee throughout the term;

12. Certification 12 is for Class A TV stations and is not applicable to full-power TV stations. The Class A certification is beyond the scope of this white paper;
13. The licensee has not been silent for any consecutive 12-month period;
14. The station is currently on the air;
15. The station complies with maximum permissible radiofrequency electromagnetic exposure limits. This certification requires a separate exhibit completed by a consulting engineer.
16. Finally, the last certification on the TV renewal application for full power TV applicants, the licensee must state whether it has been granted a failing or marginal station waiver. If the licensee has received a failing/marginal station waiver it must submit an exhibit showing the program related benefits that have accrued to the public as a result of the waiver.

Wow. 18 total questions (19 if our applicant also happens to be or have a Class A station — if the licensee also has an FM translator, TV translator or Low Power TV station, it must complete the four additional certifications in Section V of the form).

Three forms must be filed in addition to the renewal application. Countless hours will be spent reviewing and preparing the forms that are included in the application and in complying with on-going requirements throughout the license term.⁹

MYTHBUSTED!!!!

We now know that the renewal application form is far from a postcard. That said, how long does it take to actually complete the form? While they are undoubtedly highly conservative, the government's own estimates, as made by the Office of Management and

⁹ A special note regarding the public inspection file certification for both radio and television stations. As discussed on page 8, in order to affirmatively make the public file compliance certification, the licensee, each quarter throughout the license term, must have placed in its public file the list of issues that are important to the community the station serves and the programming that was responsive to those issues. This is more than just a list – it is one of the ways the licensee declares the *programming* it aired that was responsive to the needs of the local community. In other words, the issues/programs list is a written, public recitation of the daily and special programming a particular station broadcasts that serves the needs of the residents of the station's community of license.

Budget (OMB), state that it will take 1.64 hours to fill-out the renewal application (this does not take into account the time to gather the necessary information or comply with on-going requirements).¹⁰ Recall from our review of the many certifications required the hours of preparation time that licensees must expend in order to make these certifications. The estimates for the ownership report form are 1.375 hours to fill-out the ownership report form.¹¹ That is per form. Keep in mind that many licensees must complete more than one ownership report form depending on its ownership structure. The Broadcast EEO Program Report is estimated to take 1.14 hours to fill-out.¹² The Children's Television Programming Report is estimated to take 12 hours per year to fill-out.¹³ In total then, for all the forms required as part of a station's renewal application, it takes over 16 hours (according to government estimates) to just fill-out the applications. And what is the total annual cost as estimated by the government? \$7,302,951 — yep, that is right, over Seven Million Dollars per year spent by applicants on license renewals. That is some postcard!

The FCC Processing of License Renewal Applications

As we have found out in detail above, the renewal application package is voluminous, detailed and substantive. So, it is now time to see if we can bust the parallel renewal myth of the FCC rubber-stamping renewal applications. The best way to do that is to look at the FCC's own data on renewal application processing culled from the

¹⁰ Information Collection Review Data, Reference No. 200611-3060-019, available at <http://www.RegInfo.gov>.

¹¹ Information Collection Review Data, Reference No. 200601-3060-001, available at <http://www.RegInfo.gov>.

¹² Information Collection Review Data, Reference No. 200610-3060-013, available at <http://www.RegInfo.gov>.

¹³ Information Collection Review Data, Reference No. 200704-3060-001, available at <http://www.RegInfo.gov>. Over the course of the license term, 96 hours are spent filling-out the Children's Television Report.

FCC's Consolidated Data Base System (CDBS). Attached hereto is Exhibit F, which is a chart reflecting the total number of AM, FM and TV renewal applications filed and the status of those applications. Let's take a close look at the data and see what we discover, first an overall look and then a breakdown by service.

Overall

According to CDBS, for the last license renewal period, there were 15,348 renewal applications filed. Of those, after 4 years in which renewal applications were filed, 746 remain pending. This means 4.86 % of renewal applications filed remain pending, even though the final renewal applications were due over a year ago.

Perhaps we should take a step back and review the renewal application process. Applications are filed on a staggered basis over three years for both radio and TV stations by state. Radio applications started in 2003 and ended in 2006. TV applications started in 2004 and ended in 2007. Applications are filed four months in advance of when the current license is set to expire.¹⁴ This is to give the staff the time to thoroughly review the renewal application and to give the public ample time to comment on the licensee's performance during the preceding license term. 120 days to review an application is hardly a rubber-stamp process. A closer look at the data reveals that applications remain pending far longer than 120 days.

In fact, the average renewal application was pending for 220 days prior to grant. This means, on average, the FCC reviewed each renewal application an additional 100 days, or more than three additional months prior to acting on the application. So the total

¹⁴ Stations (except in specific circumstances) are also required to broadcast announcements that they are going to file renewal applications. These announcements must begin two months prior to the filing of the application and continue for three months after the renewal application was filed, inviting the public to comment on the licensee's performance during the preceding license term.

review process took *over seven months*. Not only did the FCC take a significant amount of time reviewing renewal applications, it issued 410¹⁵ forfeitures or admonishments, representing 2.7% of all applications. Let's add this 2.7% to the 5.4% of all applications filed that were either dismissed, resulted in cancelled licenses, were returned, had the grants rescinded, or remain pending (5.4% of applications by itself is a noteworthy percentage of applications). The considerable result is that of all applications filed, 8.1% of stations were either issued forfeitures, admonished, dismissed or their applications remain pending. That is worth repeating — 8.1% of all renewal applications either were not granted, have yet to be granted, or were granted with a forfeiture or admonishment.

Now, let's take a service by service look at the applications to see how they were processed.

AM

There were 4,809 total AM renewal applications filed. 134 of those applications have not been or were not granted (2.8%) and it took an average of 180 days to process the granted renewal applications. So, on average, AM applications remained pending for 2 months longer than the normal 4 month processing window.

FM

There were 8,785 total FM renewal applications filed. 197 of those applications have not been or were not granted (2.2%). It took, on average, 177 days to process the granted renewal application. So, instead of four months, it took 3 days short of six months to process the granted FM renewal applications.

TV

¹⁵ Results from *Lexis-Nexis* research reporting fines or admonishments for all full power renewal applications.

There were 1,754 TV renewal applications filed. Of those, more than one-quarter, 495 or 28% to be exact, remain pending. Of those that have been granted,¹⁶ it has taken an average of 302 days of processing time before the applications were granted. There can be no question that a 10-month processing period is not a “rubber stamp” renewal.

MYTHSBUSTED!!!!

We have found that there is no truth to the urban legend that the license renewal application is a postcard. Instead we have discovered that the license renewal application by itself is 38 pages of forms and instructions. In addition, each renewal application must also include up to three additional forms filed along with the renewal application. Perhaps renewal application binder is more appropriate.

We also discovered that not only is the postcard renewal urban legend, so is the legend of the rubber-stamp processing by the FCC. The FCC has taken, on average, six months to review the applications it has granted (10 months for TV stations). And 8.1% of all applications (28% of TV applications) have yet to be granted or were granted with a forfeiture or admonishment for non-compliance.

The license renewal application is a rigorous and substantive compilation. It is also a very expensive compilation. The review process is equally substantive. Consequently, the application properly and seriously reviews the performance of applicants during the preceding license term.

¹⁶ Two TV renewal applications had their grants rescinded.

Exhibit A

FCC 303-S
October 1987

United States of America
Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0110
Expires 8/31/90

APPLICATION FOR RENEWAL OF LICENSE FOR COMMERCIAL AND NONCOMMERCIAL AM, FM OR TV BROADCAST STATION

1. Name of Applicant		Mailing Address	
Call Letters	City	State	ZIP Code

2. Have the following reports been filed with the Commission:
- | | | |
|--|---|--|
| <p>(a) The Annual Employment Reports (FCC Form 395) as required by Section 73.3612 of the Commission's rules?
 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
 If No, attach as Exhibit No. _____ an explanation.</p> | <p>(b) The applicant's Ownership Report (FCC Form 323 or 323-E) as required by Section 73.3615 of the Commission's rules?
 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
 If No, give the following information:
 Date last ownership report was filed: <u>12/30/81</u>
 Call letters of the renewal application with which it was filed: _____</p> | <p>3. 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?
 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
 If No, attach as Exhibit No. _____ an explanation.</p> |
|--|---|--|
4. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made, a consent decree been entered or final action been approved by any court or administrative body with respect to the applicant or parties to the application 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 of litigation.
5. Has the applicant placed in its public inspection file at the appropriate times the documentation required by Section 73.3526 or 73.3527 of the Commission's rules?
 Yes No If No, attach as Exhibit No. _____ a complete statement of explanation.

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

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 _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM
ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001

By Signature _____

Title _____

Question-by-Question Guidelines (FCC Form 303-S)

1. The name of the 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.
2. Every station with five or more full-time employees must file an employment report on or before May 31 of each year. That report is to be available locally for public inspection.
A current and complete ownership report should be submitted with the licensee's renewal application and the question answered affirmatively. However, if the ownership report submitted with a station's last renewal application is "up-to-date" and has not been amended, a new report need not be filed with the current renewal application. The applicant should answer the question negatively and should supply the call letters of the station and the filing date of the renewal application with which the ownership report was submitted. An "up-to-date" ownership report is one that is current for each question on that report.
3. Aliens, foreign governments and corporations, and corporations of which any officer or director is an alien or 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.
4. This question is limited to adverse actions and judgments adjudicated or entered into within the preceding license term. Reportable activities consist of judgments or decrees, including settlement, consent, and like agreements, where the misconduct occurred either in the operation of the station for which renewal is requested or in the conduct of the other broadcast and non-broadcast activities of the renewal applicant and parties to that application, such as all partners and all corporate officers, directors, and stockholders with a 10% or more ownership interest in the applicant.
5. A licensee must maintain certain documents pertaining to its station in a file which should be 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 include applications for a construction permit and for license renewal, assignment or transfer of control; ownership and employment reports; and annual lists of local problems and responsive programming broadcast in the preceding twelve months. A complete listing of the required documents and their mandatory retention periods is set forth in Rules 73.3526 and 73.3527.

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 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.

Exhibit B

**INSTRUCTIONS FOR FCC 303-S
APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE**

(FCC FORM 303-S ATTACHED)

- A. This form is used to apply for renewal of license of a commercial or noncommercial educational AM, FM, TV, Class A TV, FM translator, TV translator, Low Power TV or Low Power FM 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 and II of this form. AM and FM radio applicants must also submit Section III. TV and Class A TV applicants must submit Section IV. FM Translator, TV Translator and Low Power FM applicants must also complete Section V.

Applicants seeking to renew the licenses of both a translator (FM or TV) and a co-owned primary FM, TV or LPTV station on the same form should complete and submit Sections I, II, III, and IV of this form.

- C. References to FCC Rules are made in this application form. Before filling it out, applicant should have on hand and be familiar with the current broadcast, translator, LPTV and LPFM 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. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 518-1800 or 1-866-518-1800, M-F, 8 a.m. to 4 p.m. EST; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

- D. Electronic Filing of Application Forms. The Commission is currently developing electronic versions of various broadcast station application and reporting forms, such as this application form. As each application form and report goes online, the Commission will, by Public Notice, announce its availability and the procedures to be followed for accessing and filing the application form or report electronically via the Internet. For a six-month period following issuance of this Public Notice, the subject application form or report can be filed with the Commission either electronically or in a paper format. Electronic filing will become mandatory, on a form-by-form basis, six months after each application form or report becomes available for filing electronically.
- E. Applicants should provide all information requested by this application. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned**

without consideration. Inadvertently accepted applications are also subject to dismissal. See 47 C.F.R. Section 73.3564(b).

- F. In accordance with 47 C.F.R. Section 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.
- G. This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions and worksheets provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria that the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be substitutes for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions and worksheets, they are not required to complete or retain any documentation created or collected to complete the application. See Section II, Item 1.
- H. This application is presented primarily in a "Yes/No" certification format. However, it contains places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus a "No" response to any of the certification Items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.
- I. Except as specifically noted to the contrary in Form 303-S or these instructions, each certification covers the entire license term. However, if the station license was assigned or transferred during the subject license pursuant to a "long-form" application on FCC Form 314 or 315, the renewal applicant's certifications should cover only the period during which the renewal applicant held the station's license.
- J. Except as specifically indicated in Section II, Item 6, below, as used in this application form, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. Applicants should review the Commission's multiple ownership attribution policies and standards which are set forth in the Notes to 47 C.F.R. Section 73.3555, as revised and explained in Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests, FCC 99-207, released August 6, 1999, on reconsideration, FCC 00-438, released January 19, 2001. 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).

Equity/Debt Plus Attribution Standard. Certain interests held by substantial investors in, or creditors of, the applicant may also be attributable and the investor reportable as a party to the application, if the interest falls within the Commission's equity/debt plus (**EDP**) attribution standard. Under the **EDP** standard, the interest held, aggregating both equity and debt, must exceed 33% of the total asset value (all equity plus all debt) of the applicant, a broadcast station licensee, cable television system, daily newspaper or other media outlet subject to the Commission's broadcast multiple ownership rules **AND** the interest holder must either also hold an attributable interest in a media outlet in the same market or supply over 15% of the total weekly broadcast programming hours of the station in which the interest is held. For example, the equity interest of an insulated limited partner in a limited partnership applicant would normally not be considered attributable.

However, under the **EDP** standard, that interest would be attributable if the limited partner's interest exceeded 33% of the applicant's total asset value **AND** the limited partner also held a 5% voting interest in a radio or television station licensee in the same market.

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

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

PARTNERSHIP APPLICANT: Each partner, including all limited partners. However, a limited partner in a limited partnership is **not** considered a party to the application **IF** the limited partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership arrangement:

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

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification **cannot** be made **IF** the limited partner's interest is attributable under the Commission's EDP attribution standard described below; or **IF** the applicant has actual knowledge of a material involvement of a limited partner in the management or operation of the media-related businesses of the partnership. In the event that the applicant cannot certify as to the noninvolvement of a limited partner, the limited partner will be considered as a party to this application.

INSTRUCTIONS FOR SECTION I: GENERAL INFORMATION

Item 1: Legal Name of Licensee. The name of the applicant must be stated exactly in Item 1. If the applicant is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of the executive officer, his/her office, and the name of the association; and if an individual applicant, the person's full legal name.

Applicants should use only those state abbreviations approved by the U.S. Postal Service.

Facility ID Number. Radio and TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can also obtain your Facility ID Number by calling: Radio (202) 418-2700, TV (202) 418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.

FCC Registration Number (FRN). To comply with the Debt Collection Improvement Act of 1996, the applicant must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Item 2: Contact Representative. If the applicant is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified in Item 2.

Item 3: Fees. By law, the Commission is required to collect charges for certain regulatory services it provides to the public. Generally, applicants seeking to renew the license for a commercial AM, FM TV, Class A TV, FM translator, TV translator or Low Power TV station is required to pay and submit a fee with the filing of FCC Form 303-S. However, government 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. Renewal applications 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 1.112. To avail itself of any fee exemption, the renewal applicant must indicate its eligibility by checking the appropriate box in Item 3, Section I. FCC Form 303-S applications not involving the payment of a fee must be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a). Do not send fee exempt applications to Mellon Bank, because it will result in a delay in processing the application.

When filing a fee-exempt application, an applicant must complete Item 3 and provide an explanation as appropriate.

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. Prior to the institution of mandatory electronic filing procedures, all paper-form FCC Form 303-S applicants requiring 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 303-S should be mailed or otherwise delivered are also set forth in the "Media Bureau Fee Filing Guide." This document can be either obtained by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capitol Heights, Maryland 20743, or by calling 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 must be made by check, bank draft, money order, or credit card. If payment is by check, bank draft, or money order, the 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.** Additionally, checks dated six months or older will not be accepted.

Procedures for payment of application fees when applications are filed electronically are available on the electronic filing system. Payment of application fees for paper-filed applications may also be made by Electronic Payment provided that prior approval has been obtained from the Commission. Applicants interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Applicants 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 should be furnished and clearly marked as a "return copy." The applicant should attach this copy 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, applicants should consult the "Media Bureau Services Fee Filing Guide."

Item 4: Purpose of Application. This question requires that the applicant identify the purpose of the application and should identify whether a renewal is being filed or an amendment to a pending renewal is being filed.

Item 5: Facility Information. This question requires that the applicant identify whether it is 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.

Item 6: Service and Community of License. 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 station, respectively. For purposes of Item 6a., 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.

If the applicant seeks to renew the license only for an individual FM or TV translator, Low Power TV, Low Power FM, or Class A TV station, the applicant should respond only to Item 6a. The applicant should

identify the appropriate service and list the station's call letters, facility identification number, community of license or area, and state.

If the applicant seeks the joint renewal for an FM or TV translator station or LPTV station and its co-owned primary FM, TV, or LPTV station, the applicant should indicate "Yes" to Item 6b. and skip directly to Item 7. The applicant should provide information with regard to such translator station for which renewal is sought in response to Section V below.

Item 7: Other Authorizations. 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.

INSTRUCTIONS FOR SECTION II: LEGAL INFORMATION

Item 1: Certification. Each applicant is responsible for the information that the application, instructions, and worksheets convey. As a key element in the Commission's streamlined licensing process, a certification that these materials have been reviewed and that each response is based on the applicant's review is required.

Items 2 and 3: Character Issues/Adverse Findings. Item 2 requires the applicant to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. An applicant must disclose in response to Item 3 whether an adverse finding has been made with respect to the applicant or any party to the application regarding certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct that violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Items 2 and 3, applicants should review the Commission's character qualifications policies, which are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Where the response to Item 2a. or 2b. is "No," the applicant must submit an exhibit that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The applicant should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

In responding to Item 3, the applicant should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the assignee may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to Item 3 is "No," the applicant must provide in an exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 C.F.R. Section 1.65(c), the applicant need only provide an identification of that previous submission by

reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing. The assignee should also fully explain why the adverse finding is not an impediment to a grant of this application.

Item 4: FCC Violations During the Preceding License Term. Section 309(k) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(k) states that the Commission shall grant a license renewal application if it finds, with respect to that station, during the preceding license term, that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations by the licensee of the Communications Act or the Commission's Rules; and (3) there have been no other violations of the Act or the Commission's rules, which, taken together, would constitute a pattern of abuse. This question asks the applicant to certify that, with respect to the station for which a renewal application is being submitted, there were no violations of the Communications Act or the Commission's Rules. If the renewal applicant has violated the Act or the Rules, it must respond "No" and submit an explanatory exhibit detailing the number and nature of the violations and any adjudication by the Commission (Notice of Violation, Forfeiture Order, etc.).

For purposes of this license renewal form only, an applicant is required to disclose only violations of the Communications Act of 1934, as amended, or the Rules of the Commission that occurred at the subject station during the license term, as preliminarily or finally determined by the Commission, staff, or a court of competent jurisdiction. This includes Notices of Violation, Notices of Apparent Liability, Forfeiture Orders, and other specific findings of Act or Rule violations. It does not include "violations" identified by the station itself or in conjunction with the station's participation in an Alternative Broadcast Inspection Program. In responding to this item, licensees should not submit any information concerning self-discovered or other "violations" that have not been identified by the Commission, staff, or court. Licensees are advised that the Commission may also consider other violations by the station that come to its attention in determining whether to grant this license renewal application.

Item 5: Alien Ownership and Control. 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 less than 75% of that corporation's stock is owned by 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.

Item 6: Anti-Drug Abuse Act Certification. This question requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988. 21 U.S.C. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Item 6 constitutes a certification that neither the applicant nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

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

partners and all limited partners, including both insulated and non-insulated limited partners, holding a 5 percent or more interest in the partnership.

INSTRUCTIONS FOR SECTION III: AM and FM Licensees Only

Item 1: Biennial Ownership Report. This question asks the renewal applicant to certify that it has filed with the Commission the biennial ownership reports required by 47 C.F.R. 73.3615. Each licensee of an AM, FM, and TV broadcast station shall file an Ownership Report on FCC Form 323 (commercial) or 323-E (noncommercial/educational) every two years on the anniversary of the date that its renewal application is required to be filed. Licensees owning more than one broadcast station with different anniversary dates need to file only one Report every two years on the anniversary of their choice, provided that they are not more than two years 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 by validating electronically its previously filed report.

Note: FCC Form 323 and 323-E must be filed electronically. Paper versions of these forms will not be accepted for filing unless accompanied by an appropriate request for waiver of the electronic filing requirement. See 47C.F.R. Section 73.3615.

Item 2: EEO Program. Each licensee of an AM, FM and TV broadcast station is 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, etc. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, a license renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed.

Additionally, each licensee must place in the station's public inspection file annually AND POST ON THE STATION'S WEBSITE, if any, a report containing lists of (1) all full-time vacancies filled during the preceding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

Item 3: Local Public File. Commercial and noncommercial educational AM and FM licensees must maintain certain documents pertaining to its station in a file that is to be 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. 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 that 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.

Item 4: Discontinued Operation. Section 312(g) of the Communications Act of 1934, 47 U.S.C. Section 312(g), states that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station license expires automatically, by operation of law, at the end of that 12-month period. The Commission has no discretion to reinstate a broadcast license that has expired pursuant to Section 312(g). *See OCC Acquisition, Inc.*, 17 FCC Rcd 6147 (2002). Additionally, a station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. *See Letter to Idaho Broadcasting Consortium*, 16 FCC Rcd 1721 (M.M. Bur. 2001). Accordingly, this item requires the licensee to certify that the station was not silent for any consecutive 12-month period during the preceding license term. By answering “Yes” to this question, the applicant certifies that (1) it was not silent for any consecutive 12-month period during the preceding license term; and (2) if the station was silent for any period of time during the preceding license term, it resumed broadcasting *with authorized facilities* before 12 months from the date on which that station went silent. If the applicant cannot make this certification, its license renewal application will be dismissed and the Commission’s data base will be amended to reflect the expiration of the station’s license.

Item 5: Silent Station. The Commission will not review the license of a station that is not broadcasting. *See Birach Broadcasting Corporation*, 16 FCC Rcd 5015 (2001). “Broadcasting” means “the dissemination of radio communications intended to be received by the public.” 47 U.S.C. Section 153(6). Accordingly, this item requires the applicant to certify that its commercial AM or FM broadcast station is currently transmitting signals intended to be received by the public. An application may not answer “Yes” to this question if the station is transmitting only “test signals.”

Note: Noncommercial educational FM stations, while authorized for limited-time operation, are required to operate at least 36 hours per week, consisting of at least 5 hours of operation on at least 6 days of the week. Stations licensed to *educational institutions* are not required to operate on Saturday or Sunday or observe the minimum operating requirements during those days when school is not in session. 47 C.F.R. Section 73.561(a). [Licensees of noncommercial educational FM applicants adhering to these requirements may answer “Yes” to this question whether or not the station is on the air on the particular day on which the license renewal application is submitted electronically.]

Note: A noncommercial educational AM broadcast 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. Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, as well as the actual hours of operation during the entire license period, shall be taken into consideration in the renewal of the station’s license. *See* 47 C.F.R. Section 73.1740(b).

Item 6: Environmental Effects. This question requires that the applicant either certify that its facility complies with the Commission’s maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments. Worksheet #1 includes specific subsections for RF exposure analysis. These pages are designed to facilitate and substantiate the certification. Their use is voluntary but strongly encouraged.

Note: Licensees are reminded that the Commission retains the authority to revoke any station license for a licensee’s failure to satisfy the requirements of the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, or other environmental statute, regulation, or directive at the time it sought authorization for the original construction or modification of its broadcast facilities. 47 U.S.C. Sections 312(a)(2) (authorizing the revocation of a station license “because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license

or permit on an original application”) See also FCC Form 301 Instructions, Page 11, “General Environmental” Worksheet.

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

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Members of the general public are always considered under this category when exposure is not employment-related.

Occupational/controlled exposure limits apply to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. These limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above the general populations/uncontrolled limits as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or some other appropriate means.

The guidelines are explained in more detail in OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as "OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <http://www/fcc.gov/oet/rfsafety>. Copies can also be purchased from the Commission's duplicating/research contractor, Qualex International, Room CY-B402, 445 12th Street, SW, Washington, D.C. 20554 (telephone: (202) 863-2893. Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

The RF worksheets and tables appended to Worksheet #1 below will enable certain categories of stations to determine whether or not the proposed facility will have a significant environmental impact as defined by Section 1.1307. Some, but not all, stations will be able to use the RF worksheets. Generally, the RF worksheets can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure. See "RF Exposure Compliance Worksheet Instructions" for more detail on eligibility.

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

If the applicant is not eligible to use the worksheets, it is not an indication that the proposed facility will cause excessive exposure. Generally, applicants that are not able to use the worksheets will need to utilize more

complex calculations or measurements to demonstrate compliance. For this reason, applicants who are not eligible to use the worksheets should consider seeking the assistance of a qualified consulting engineer in determining whether the proposed facility will meet the RF exposure guidelines.

WORKSHEET #1: ENVIRONMENTAL

Some, but not all, applicants for AM and FM facilities will be able to use the RF worksheets. Generally, an AM or FM applicant can use the RF worksheets if: (1) it is the only user on its tower; (2) its station is one of several FM/FM translator stations located on a single tower; or (3) its station uses a multiple-tower AM array but no other user is co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by use of a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure.

If an applicant cannot use the RF worksheets, it may show its compliance with RF guidelines in other ways, as detailed in OET Bulletin 65.

If the worksheets indicate that an applicant exceeds acceptable RF levels, it does not necessarily mean that the proposed station does not or cannot meet the Commission's RF requirements. The worksheets are based on generalized "worst case" presumptions. It may be that a more individualized evaluation of the proposed station (possibly with the help of a consulting engineer) will demonstrate that RF levels are acceptable. Among the individual factors that may be relevant are antenna radiation patterns, actual RF measurements, barriers/precautions that prevent access to high RF areas, etc. These factors are also explained in OET Bulletin 65.

Applicants satisfying the RF requirements on the basis of such non-worksheet factors should submit a detailed explanation demonstrating their compliance. Otherwise, applicants should submit an Environmental Assessment, as explained in 47 C.F.R. Section 1.1311, explaining the environmental consequences of the proposed operation.

RF EXPOSURE COMPLIANCE WORKSHEET/INSTRUCTIONS

Who may use these worksheets?

1. A directional AM station (i.e., one using a multiple tower array) that does not share its towers with any other non-excluded RF sources (including, but not limited to FM or TV transmitting antennas) and is located more than 315 meters (1,034 feet) from any other tower or non-excluded RF radiation sources; or
2. A non-directional AM station located on a single-use tower more than 315 meters (1,034 feet) from any other tower or other non-excluded RF radiation sources; or
3. An FM station on a single tower that may or may not support other FM stations (including FM translators and boosters) and that is more than 315 meters (1,034 feet) from any other tower or non-excluded RF sources.
4. An FM translator on a single tower that may or may not support other FM stations (including FM translators and boosters) that is more than 315 meters (1,034 feet) from any other tower or other non-excluded RF sources.

Ineligible Sites.

Please note that the applicant cannot use these worksheets if any of the following apply:

1. The application is for a television or digital television facility;
2. There are other towers or supporting structures with non-excluded RF sources within 315 meters of the tower; *See* 47 C.F.R. Section 1.1307(b)
3. There are TV antennas and/or other RF sources on the tower other than AM or FM antennas that are not categorically excluded from environmental processing by 47 C.F.R. Section 1.1307;
4. There is an FM, TV or other non-excluded RF source co-located within a multiple tower AM array;
5. The tower is located at a site where the terrain or a building or other inhabited structure (other than a transmitter building) within a 315 meter radius is higher than the level of the terrain at the base of the tower. (**Note:** Sites with transmitter buildings at the base of the tower are considered “eligible” provided that procedures are established in accordance with the methods described in OET Bulletin 65 to protect persons with access to such buildings from RF exposure in excess of the FCC-adopted limits.); or
6. AM towers where access is not restricted by fencing or other barrier that preclude casual or inadvertent access to the site and warning signs are not included at appropriate intervals describing the potential for RF exposure.

The above categories have been excluded from the RF worksheets not because of a propensity to cause excessive RF radiation, but because a determination of their compliance involves more complex calculations and measurements. If you are not eligible to use the RF worksheets, or elect not to use them, before reaching a determination with respect to your facilities you should review **OET Bulletin 65 and Supplement A** in order to properly evaluate your facility for compliance with the RF guidelines. The

bulletin provides information and assistance on the RF guidelines, prediction methods, measurement procedures and instrumentation, methods for controlling exposure, and reference material. It will instruct the applicant on the type of data which may demonstrate compliance with the Commission's RF guidelines in support of your response. If you continue to have trouble evaluating your site after consulting the Bulletin, you may want to seek the assistance of a qualified engineer in determining whether these facilities meet the FCC RF exposure guidelines.

Other Evaluations

These worksheets represent "worst case" calculations, and as such, should be used in your initial attempt to determine compliance. If use of the worksheet indicates that you exceed the RF guidelines, levels may still be acceptable based on more detailed evaluation of variables such as antenna type and vertical radiation patterns. In this case you may submit a statement explaining why your facilities do not exceed the RF exposure guidelines at locations where humans are likely to be present, or describing those measures or circumstances which will prevent or discourage humans from entering those areas where the RF levels exceed the guidelines or which will otherwise control access in accordance with the time-averaging limits described in the guidelines. See OET Bulletin 65 and Supplement A. This statement may include:

- (i) antenna radiation patterns showing that the site complies with the guidelines described in OET Bulletin 65;
- (ii) measurements that show the site to comply with the FCC-adopted guidelines;
- (iii) a description of what warning signs, fences or other barriers preclude excessive RF exposure;
- (iv) any other statement necessary to demonstrate compliance with the RF guidelines.

How to Use RF Worksheets

Attached are:

Worksheet #1 – FM, FM translator & FM booster
Worksheet #1A-Multiple FM User Tower
Worksheet #2 – AM
Worksheet #2A – Multiple Tower AM Array
AM Fence Distance Tables

FM Contributors:

- a. **Single Use FM or FM translator tower** – Use **Worksheet #1** to determine compliance with the FCC RF exposure limits.
 - b. **Multiple – use FM (including translator & booster)** – Use **Worksheet #1A for each FM facility on the tower to obtain an approximate power and antenna height and complete Worksheet #1 as above.**
-

AM Contributors:

- a. **Single Tower Site:** Use **Worksheet #2** to determine if the distance to the fence or other restrictive barrier provides adequate protection to the general public pursuant to FCC guidelines.
- b. **Multiple Tower Site** – Use **Worksheet #2 for each tower in the array** to determine if the tower is adequately distanced from the fence (or other restrictive barrier). This determination may be made by either of the following methods:
 - i. a “worst case” prediction could be made by assuming that all transmitted power is radiated from each tower. Use **Worksheet #2A** to list the power and fence distance for each tower. Then use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.
 - ii. use the actual transmitted power for each tower. Use **Worksheet #2A** to list transmitted powers and restriction distances for each tower. Then, use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.

If any single tower is not adequately distanced from the fence or restrictive barrier, you may not continue to use these worksheets.

CAUTION: Even if you conclude from the use of these worksheets that human exposure to RF electromagnetic fields is consistent with our guidelines, be aware that each site user must also meet requirements with respect to “on-tower” or other exposure by workers at the site (including RF exposure on one tower caused by sources on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. Such procedures must be coordinated among all tower users. **See OET Bulletin 65 for further details.**

RF Worksheet #1 – FM (including translators & boosters)

PLEASE COPY BEFORE USING. THE DETERMINATION OF COMPLIANCE MAY INVOLVE REPEATED CALCULATIONS. IF LOCATED ON A MULTIPLE FM USER TOWER, PLEASE COMPLETE RF WORKSHEET 1A BEFORE PROCEEDING.

EFFECTIVE RADIATION CENTER HEIGHT

Enter proposed “height of radiation center above ground” OR as listed in Line 1 _____ m (1)
of Worksheet 1A.

Is antenna supporting structure located on the roof of a building? (check one) Yes No (2)

If Line 2 is “Yes” enter the building height measured at the base of the antenna supporting structure in Line 3

If Line 2 is “No” enter “0” in Line 3..... _____ m (3)

Subtract Line (3) from Line (1)..... _____ m (4)

Subtract the value 2.0 from Line (4)..... _____ m (5)

TOTAL EFFECTIVE RADIATED POWER

(If “beam tilt” is utilized, list maximum values)

List Effective Radiated Power in the Horizontal Plane..... _____ kW (6)

List Effective Radiated Power in the Vertical Plane..... _____ kW (7)

Add Lines (6) and (7) OR list value from Line 2 in Worksheet 1A..... _____ kW (8)

PERCENTAGE OF FCC RF LIMIT(S) FOR MAXIMUM PERMISSIBLE EXPOSURE

Multiply Line (8) by 33.41 _____ (9)

Multiply the value listed in Line (5) by itself..... _____ (10)

Divide Line (9) by Line (10) _____ (11)

Multiply Line (11) by (100) _____ (12)

DETERMINATION OF COMPLIANCE WITH CONTROLLED/OCCUPATIONAL LIMIT

Does Line (12) exceed 100%..... Yes No (13)

IF YOU ANSWERED “YES” IN LINE (13), THE WORKSHEETS MAY NOT BE USED IN THIS CASE.*

IF YOU ANSWERED “NO” IN LINE (13), THEN THE SITE SHOULD COMPLY WITH THE FCC’S CONTROLLED/OCCUPATIONAL RF EXPOSURE LIMITS FOR GROUND LEVEL EXPOSURE

***In this case, you may need to prepare an Environmental Assessment. See Instructions for Section III-C FCC Form 301.**

DETERMINATION OF COMPLIANCE WITH THE UNCONTROLLED/GENERAL POPULATION LIMIT

Does Line (12) exceed 20%..... Yes No (14)

IF YOU ANSWERED “NO” IN LINE (14), THEN THE SITE SHOULD COMPLY WITH THE FCC’S UNCONTROLLED/GENERAL POPULATION RF EXPOSURE LIMITS FOR GROUND LEVEL EXPOSURE. NO FURTHER STUDY REQUIRED.

IF YOU ANSWERED “YES” IN LINE (14), CONTINUE.

ROOFTOP WITH RESTRICTED ACCESS.

If you answered “YES” in Line (14) and “YES” in Line (2) (indicating that the tower is located on the roof of a building), and the general public is not allowed access to the rooftop level, repeat lines 5 through 12, entering the value in Line (1) directly in Line (4). (If Multiple FM Use tower, recalculations should be in accordance with instructions on Worksheet #1A.) **Otherwise, go to the next section.**

Upon recalculation, does Line (12) exceed 20%..... Yes No (15)

IF YOU ANSWERED “YES” IN LINE (15), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

IF YOU ANSWERED “NO” IN LINE (15), THEN THE AREA AT GROUND LEVEL SHOULD COMPLY WITH THE FCC’S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

ACCESS TO BASE OF TOWER RESTRICTED BY FENCING.

If the tower is not located on the roof of a building, is the base of the tower surrounded by fencing or other restrictive barrier and are appropriate warning signs posted on the fence that adequately detail the nature of the RF exposure environment contained therein?.....

Yes No (16)

IF YOU ANSWERED “NO” IN LINE (16), THE WORKSHEET MAY NOT BE USED IN THIS CASE.*

If you answered “Yes” in Line (16), what is the distance from the base

of the tower to the fence or barrier at its nearest point..... _____ m (17)

Multiply Line (9) (as calculated previously) by 5..... _____ (18)

Subtract Line (10) (as calculated previously) from Line (18)..... _____ (19)

Take the square root of Line (19)..... _____ m (20)

Is Line (20) less than or equal to Line (17)..... Yes No (21)

IF YOU ANSWERED “YES” IN LINE (21), THEN THE RF FIELD OUTSIDE THE FENCE COMPLIES WITH THE FCC’S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

IF YOU ANSWERED “NO” IN LINE (21), THE WORKSHEETS MAY NOT BE USED IN THIS CASE.*

*** In this case, you may need to prepare an Environmental Assessment.** See instructions for Section III-C of FCC Form 301.

RF WORKSHEET #1A –Multiple FM Use Tower

The procedure below will allow for a “worst-case” determination to be made in situations where several FM stations share a common tower. This determination is based upon the “worst case” assumption that all RF energy is emanating from a single antenna located at the same height (i.e., antenna center of radiation above ground level) as the lowest user on the tower.

Complete for all call signs.

For each call sign, **the total** of the Horizontal and the Vertical ERP’s must be used. If “beam tilt” is utilized, list maximum values.

COLUMN 1 CALL SIGN	COLUMN 2 HEIGHT OF ANTENNA RADIATION CENTER ABOVE GROUND LEVEL	COLUMN 3 TOTAL EFFECTIVE RADIATED POWER (HORIZONTAL AND VERTICAL)
	meters	kilowatts

List the smallest value in Column 2....._____ m (1)
 List the total of all values in Column 3....._____ kW (2)

The value listed in line (1) above must be used in line (1) on Worksheet 1.
The value listed in line (2) above must be used in line (8) on Worksheet 1.

Now complete worksheet 1 (except for lines 6 and 7).

RF WORKSHEET #2: AM

PLEASE COPY THIS WORKSHEET PRIOR TO USING. IN THE CASE OF A MULTIPLE TOWER ARRAY, A COPY IS NECESSARY FOR EACH TOWER LISTED IN RF WORKSHEET #2A. See AM Instruction b. to “How to Use RF worksheets” on page 5 of Appendix A.

SINGLE TOWER

Enter the transmitted power..... _____ kW (1)

Enter the distance from the tower to the nearest point of the fence or other restrictive barrier enclosing the tower..... _____ m (2)

DETERMINATION OF WAVELENGTH

Method 1: Electrical Height

The tower height in wavelength may be obtained from the electrical height in degrees of the radiator.

Electrical height of the radiator..... _____ degrees (3a)

Divide Line 3(a) by 360 degrees..... _____ wavelength (3b)

Method 2: Physical Height

Alternatively, the wavelength may be obtained from the physical height of the radiator above the tower base and the frequency of the station.

Overall height of the radiator above the tower base..... _____ m (4a)

List the station’s frequency..... _____ kHz (4b)

Divide 300,000 by Line (4b)..... _____ m (4c)

Divide Line (4a) by Line 4(c) _____ wavelength (4d)

REQUIRED RESTRICTION DISTANCE

Use the appropriate AM fence distance table based on the wavelength determined in either Line (3b) or Line (4d) above. If the transmitted power is not listed in the table, use next highest value (e.g., if the transmitted power is 2.5 kW, use the fence value in the 5 kW column).

List the fence distance obtained from the appropriate table..... _____ m (5)

Is the value listed in Line (5) less than or equal to the value listed in Line (2)? Yes No (6)

If line (6) is “Yes,” are warning signs posted at appropriate intervals which describe the nature of the potential hazard? Yes No (7)

IF EITHER LINE (6) OR LINE (7) WAS ANSWERED “NO”, you may need to prepare an Environmental Assessment. However, in order to determine the need for such an Assessment please see the **NOTE** on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see Section I of the instructions to this worksheet entitled “Environmental Assessment.”

IF BOTH LINE (6) AND LINE (7) WERE ANSWERED “YES”, it appears that this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to “on-tower” or other exposure by workers at the site (including RF fields caused by other facilities on the tower, or RF fields caused by facilities on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. **See OET Bulletin 65 for more details.**

RF WORKSHEET #2A Multiple Tower AM Array

Do not use this table if there are FM, TV or other non-excluded RF sources on any single tower of the array.

Tower Number	Transmitted Power (kW)	Distance to Fence (meters)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

If each tower listed above meets the distance requirements of the worksheet #2, it appears this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to “on-tower” or other exposure by workers at the site. These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. **See OET Bulletin 65 for more details.**

If the distance from the base of the tower to the fence is less than the value listed above, you may need to prepare an Environmental Assessment. However, in order to determine the need for such an Assessment please see the **NOTE** on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see Section I of the instructions to this worksheet entitled “Environmental Assessment.”

AM FENCE DISTANCE TABLES

TABLE 1. Predicted Distances for Compliance with FCC Limits: 0.1-0.2 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	13	7	6	3
750-940	12	7	5	3
950-1140	11	6	5	3
1150-1340	10	6	5	3
1350-1540	10	6	5	3
1550-1705	10	6	5	3

TABLE 2. Predicted Distances for Compliance with FCC Limits: 0.21-0.4 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	2	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1
1550-1705	5	2	2	1

TABLE 3. Predicted Distances for Compliance with FCC Limits: 0.41-0.55 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	2
750-940	4	2	2	2
950-1140	4	2	2	1
1150-1340	4	2	2	2
1350-1540	4	2	2	2
1550-1705	4	3	2	1

TABLE 4. Predicted Distances for Compliance with FCC Limits: 0.56-6255 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1
1550-1705	4	2	2	2

INSTRUCTIONS FOR SECTION IV – To be Completed by TV and Class A TV licensees only.

Item 1: Biennial Ownership Report. This question asks the renewal applicant to certify that it has filed with the Commission the biennial ownership reports required by 47 C.F.R. 73.3615. Each licensee of an AM, FM, and TV broadcast station shall file an Ownership Report on FCC Form 323 (commercial) or 323-E (noncommercial/educational) every two years on the anniversary of the date that its renewal application is required to be filed. Licensees owning more than one broadcast station with different anniversary dates need to file only one Report every two years on the anniversary of their choice, provided that they are not more than two years 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 by validating electronically its previously filed report.

Note: FCC Form 323 and 323-E must be filed electronically. Paper versions of these forms will not be accepted for filing unless accompanied by an appropriate request for waiver of the electronic filing requirement.

Item 2: EEO Program. Each licensee of an AM, FM and TV broadcast station is 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, etc. *See* 47 C.F.R. Section 73.2080. Pursuant to these requirements, a license renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed.

Additionally, each licensee must place in the station's public inspection file annually AND POST ON THE STATION'S WEBSITE, if any, a report containing lists of (1) all full-time vacancies filled during the preceding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

Item 3: Local Public File. Commercial and noncommercial educational AM and FM licensees must maintain certain documents pertaining to its station in a file that is to be kept at the station's main studio. 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. 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 that 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.

Item 4: Violent Programming. This question should be completed by commercial TV and Class A TV applicants. On February 8, 1996 the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) was approved. That legislation, among other things, amended Section 308 of the Communications Act

of 1934 to require television broadcast station renewal applicants to submit a summary of complaints received from the public regarding violent programming aired by their stations. Licensee certifies that no written comments or suggestions have been received from the public that comment on its station's programming and characterize that programming as constituting violent programming.

Item 5: Children's Programming Commercial Limitations. Commercial TV and Class A 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 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.

Item 6: Children's Programming. Each commercial TV and Class A TV licensee is required to describe in its renewal application its efforts to serve the educational and information needs of children. 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.

Each year, on a quarterly basis, each commercial TV and Class A TV licensee is required to prepare and electronically file a Children's Television Programming Report (FCC Form 398), setting forth the efforts made by the licensee during the quarter, as well as efforts planned for the next quarter, to serve the educational and informational needs of the children. FCC Form 398 is required to be filed with the Commission and a copy placed in the station's public inspection file by the tenth day of the preceding calendar quarter (*i.e.*, by April 10 for the first quarterly report; by July 10 for the second quarterly report; by October 10 for the third quarterly report; and by January 10 for the fourth quarterly report). Incorporating by reference previously filed FCC Form 398s satisfies the children's program information thought to be elicited by the FCC Form 303-S.

Item 7: CORE Programming. CORE Programming is defined as programming that is specifically designed to serve the educational and informational needs of children and that also satisfies each of the following criteria:

- (1) the program has serving the educational and informational needs of children ages 16 and under as a significant purpose;
- (2) the program is aired between the hours of 7:00 a.m. and 10 p.m.;
- (3) the program is a regularly scheduled weekly program;
- (4) the program is at least 30 minutes in length;
- (5) the educational and information objective of the program and the target child audience are specified in writing in the licensee's Children's Television Programming Report, as described in 47 C.F.R. Section 73.3526(a)(8)(iii); and
- (6) instructions for listing the program as educational and informational, including an indication of the age group for which the program is intended, are provided to publishers of program guides.

When the licensee has broadcasted three hours per week (averaged over a six-month period) of CORE Programming, it will be deemed to have satisfied its obligation to meet the educational and informational needs of children. A licensee will also be deemed to have satisfied this obligation (and be similarly eligible for Commission staff approval of its children's programming showing), where the licensee sets forth in an

exhibit that it has aired an assortment of different types of educational and informational programming that, while somewhat less than three hours per week of CORE Programming, demonstrates a level of commitment to educating and informing children that it is at least equivalent to airing three hours per week of CORE Programming.

Items 8, 9, and 10: To assist parents in planning and selecting programs for their children to watch, the Commission has established various public information initiatives. In accord with these initiatives, a licensee is required to identify CORE Programming at the time those programs are aired in a form that is at the sole discretion of the licensee; to disseminate information identifying the station's CORE Programming to publishers of program guides and listings; and to publicize the existence and location where the public can access information regarding the station's informational and educational children's programming efforts.

Item 11: An applicant may provide any other comments or information it wishes the Commission to consider in evaluating whether the licensee has met its obligations under the Children's Television Act and the Commission's rules. This may include, but is not limited to, information on any non-CORE educational and informational programming that the station plans to air, as well as information on any existing or proposed non-broadcast activities that the licensee believes enhance the educational and informational value to children of the licensee's educational programming.

Item 12: Continued Class A Eligibility. On November 29, 1999, the Community Broadcasters Protection Act of 1999 was signed into law. That legislation provides that a low power television licensee may convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria. To become eligible for a Class A certificate of eligibility, the licensee's station must, during the 90-day period ending November 28, 1999, have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station or by a group of commonly-controlled low power television stations; and (3) been in compliance with the Commission's regulations applicable to the low power television service. The legislation also provided that a licensee obtaining Class A designation shall continue to be accorded primary status as a television broadcaster, as long as its station continues to meet the requirements of (1) and (2) above.

Item 13: Discontinued Operations. Section 312(g) of the Communications Act of 1934, 47 U.S.C. Section 312(g), states that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station license expires automatically, by operation of law, at the end of that 12-month period. The Commission has no discretion to reinstate a broadcast license that has expired pursuant to Section 312(g). *See OCC Acquisition, Inc.*, 17 FCC Rcd 6147 (2002). Additionally, a station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. *See Letter to Idaho Broadcasting Consortium*, 16 FCC Rcd 1721 (M.M. Bur. 2001). Accordingly, this Item requires the licensee to certify that the station was not silent for any consecutive 12-month period during the preceding license term. By answering "Yes" to this question, the applicant is considered to be certifying that: (1) it was not silent for any consecutive 12-month period during the preceding license term; and (2) if the station was silent for any period of time during the preceding license term, it resumed broadcasting *with authorized facilities* before 12 months from the date on which that station went silent. If the applicant cannot make this certification, its license renewal application will be dismissed and the Commission's data base will be amended to reflect the expiration of the station's license.

Item 14: Silent Station. The Commission will not review the license of a station that is not broadcasting. *See Birach Broadcasting Corporation*, 16 FCC Rcd 5015 (2001). "Broadcasting" means "the dissemination of radio communications intended to be received by the public." 47 C.F.R. 153(6). Accordingly, this Item requires the applicant to certify that its commercial TV or Class A TV broadcast station is currently transmitting signals intended to be received by the public. An application may not answer "Yes" to this question if the station is transmitting only "test signals."

Note: A noncommercial educational TV broadcast 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. Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, as well as the actual hours of operation during the entire license period, shall be taken into consideration in the renewal of the station's license. *See* 47 C.F.R. Section 73.1740(b).

Item 15: Environmental Effects. TV and Class A TV renewal applications must review the instructions for Section III, Item 5, of this form before completing this item.

Item 16: Local TV Ownership Waiver. Section 73.3555(b) of the Commission Rules limits the number of full-power commercial television broadcast stations in the same Nielsen Designated Market Area (DMA) in which a licensee may have a cognizable interest. That rule, however, may be waived by the Commission in cases where the station is "failing." The Commission presumes a waiver is in the public interest where the licensee has demonstrated that the station to be acquired has had a low all-day audience share, its financial condition is poor, and its acquisition will produce public interest benefits. In DMA's with 11 or fewer full-power commercial and noncommercial educational stations, the Commission will also consider waiver of its proscription of the common ownership of more than one of the four top-ranked commercial television stations in the market for "marginal" – but not yet "failing" stations. At renewal time, the licensee must briefly describe the "failing" or "marginal" station waiver granted by the Commission and submit a specific, factual showing of the program-related benefits that have accrued to the public as a result of that waiver.

INSTRUCTIONS FOR SECTION V: To Be Completed By FM and TV Translator and Low Power TV Licensees Only

Item 1. Station Information. The equipment should identify the FM and TV translator and LPTV station(s) for which license renewal is requested. Licensees must specify the station's community of license, call letters, and facility identifier.

Item 2. Operational Status. A FM, 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 no later than 10 days after the discontinued operation. 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 licensee 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. Item 2 requires licensee to certify that it is on the air.

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.

Item 2(a). Requires an FM Translator, TV Translator and LPTV licensee to certify compliance with this requirement. When the primary station is co-owned, the applicant also should answer "Yes" to this Item.

Item 3a. 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 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.

Item 3b. The provisions of 47 C.F.R. Section 74.2132(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, business associates, and advertisers.

Item 4. Each licensee of an LPTV broadcast station is 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, etc. *See* 47 C.F.R. Section 73.2080. Pursuant to these requirements, a license renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed. Additionally, each licensee must maintain with its station's records, AND POST ON THE STATION'S WEBSITE, if any, an annual report containing lists of (1) all full-time vacancies filled during the preceding year, identified by job title, (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

Item 5. Environmental Effects. FM and TV translator and LPTV renewal applicants must review the Instructions to Section III, Item 6, of this form before completing this item.

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

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

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset

your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, 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.

We have estimated that each response to this collection of information will take from 37 hours to 119 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0027), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Judith-B.Herman@fcc.gov. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0027.

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

FOR
FCC
USE
ONLY

FCC 303-S

APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE

FOR COMMISSION USE ONLY

FILE NO.

Section I - General Information- TO BE COMPLETED BY ALL APPLICANTS

1. Legal Name of Licensee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	
FCC Registration Number	Call Sign	Facility Identifier

2. Contact Representative		Firm or Company Name
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

Governmental Entity Noncommercial Educational Licensee Other _____

4. **Purpose of Application.**

Renewal of license

Amendment to pending renewal application
If an amendment, submit as an exhibit a listing by Section and Item
Number the portions of the pending application that are being revised.

Exhibit

5. **Facility Information:** Commercial Noncommercial Educational

6. **Service and Community of License**

a. AM FM TV FM Translator LPFM
 TV Translator Low Power TV Class A TV

Community of License/Area to be Served	
City	State

b. Does this application include one or more FM translator station(s), or TV translator station(s), LPTV station(s), in addition to the station listed in Section I, Question 1? (The call sign(s) of any associated FM translators, TV translators or LPTVs will be requested in Section V).

Yes No

7. **Other Authorizations.** List call signs, facility identifiers and location(s) of any FM booster or TV booster station(s) for which renewal of license is also requested.

Exhibit No.

N/A

NOTE: In addition to the information called for in Sections II, III, IV and V, an explanatory exhibit providing full particulars must be submitted for each item for which a "No" response is provided.

Section II - Legal -TO BE COMPLETED BY ALL APPLICANTS

1. **Certification.** Licensee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application, instructions, and worksheets. Yes No

2. **Character Issues.** Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with:
 - a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or Yes No See Explanation in Exhibit No.
 - b. any pending broadcast application in which character issues have been raised. Yes No See Explanation in Exhibit No.

3. **Adverse Findings.** Licensee certifies that, with respect to the licensee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. Yes No See Explanation in Exhibit No.

4. **FCC Violations during the Preceding License Term.** Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If No, the licensee must submit an explanatory exhibit providing complete descriptions of all violations. Yes No See Explanation in Exhibit No.

5. **Alien Ownership and Control.** Licensee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. Yes No See Explanation in Exhibit No.

6. **Anti-Drug Abuse Act Certification.** Licensee certifies that neither licensee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. 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. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive 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 request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	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).

Section III - TO BE COMPLETED BY AM and FM LICENSEES ONLY

1. **Biennial Ownership Report:** Licensee certifies that the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission as required by 47 C.F.R. Section 73.3615. Yes No See Explanation in Exhibit No.
2. **EEO Program:** Licensee certifies that:
- a. The station's Broadcast EEO Program Report (FCC Form 396) has been filed with the Commission, as required by 47 C.F.R. Section 73.2080(f)(1). Yes No See Explanation in Exhibit No.
- Specify FCC Form 396 File Number
- b. The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 C.F.R. Section 73.2080(c)(6). Yes No
 N/A See Explanation in Exhibit No.
3. **Local Public File.** Licensee certifies that the documentation, required by 47 C.F.R. Sections 73.3526 or 73.3527, as applicable, has been placed in the station's public inspection file at the appropriate times. Yes No See Explanation in Exhibit No.
4. **Discontinued Operations.** Licensee certifies that during the preceding license term the station has not been silent for any consecutive 12-month period. Yes No See Explanation in Exhibit No.
5. **Silent Station.** Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public. Yes No
6. **Environmental Effects.** Licensee certifies that the specified facility complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments. Unless the licensee can determine compliance through the use of the RF worksheets in the Instructions to this Form, **an Exhibit is required.** Yes No See Explanation in Exhibit No.

By checking "Yes" above, the licensee also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower, or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

Section IV - TO BE COMPLETED BY TV AND CLASS A LICENSEES ONLY

1. **Biennial Ownership Report.** Licensee certifies that the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission, as required by 47 C.F.R. Section 73.3615.

Yes No

See Explanation in Exhibit No.

2. **EEO Program.** Licensee certifies that:

a. The station's Broadcast EEO Program Report (FCC Form 396), has been filed with the Commission, as required by 47 C.F.R. Section 73.2080(f)(1).

Yes No

See Explanation in Exhibit No.

Specify FCC Form 396 File Number

b. The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 C.F.R. Section 73.2080(c)(6).

Yes No N/A

See Explanation in Exhibit No.

3. **Local Public File.** Licensee certifies that the documentation required by 47 C.F.R. Sections 73.3526 or 73.3527, as applicable, has been placed in its station's inspection file at the appropriate times.

Yes No

4. **Violent Programming.** Licensee certifies that no written comments or suggestions have been received from the public that comment on its station's programming and characterize that programming as constituting violent programming.

Yes No N/A

If No, **submit as an Exhibit** a summary of those written comments and suggestions received from the public.

See Explanation in Exhibit No.

5. **Children's Programming Commercial Limitations.** For the period of time covered by this application, the licensee certifies that it has 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 during children's programming 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

See Explanation in Exhibit No.

If No, **submit as an Exhibit** a list of each segment of programming 5 minutes or more in duration designed for children 12 years 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.

6. For the period of time covered by this applicant, the licensee certifies that it has filed with the Commission, **and incorporated by reference**, the Children's Television Programming Reports (FCC Form 398) as described in 47 C.F.R. Section 73.3526.

Yes No

See Explanation in Exhibit No.

If No, **submit as an Exhibit** a statement of explanation.

7. For the period of time covered by this application, the licensee certifies that the average number of hours of CORE Programming per week broadcast by the station totalled 3 hours or more (averaged over a six-month period). Yes No

[Exhibit No.](#)

8. The licensee certifies that it identifies each CORE Program aired at the beginning of the airing of each program as required by 47 C.F.R. Section 73.673. Yes No

[Exhibit No.](#)

If No, **submit as an Exhibit** a statement of explanation.

9. The licensee certifies that it provides information identifying each CORE Program aired on its station, including an indication of the target child audience, to publishers of program guides as required by 47 C.F.R. Section 73.673. Yes No

[Exhibit No.](#)

If No, **submit as an Exhibit** a statement of explanation.

10. The licensee certifies that it publicizes the existence and location of the station's Children's Television Programming Reports (FCC Form 398) as required by 47 C.F.R. Section 73.3526(e)(11)(iii). Yes No

[Exhibit No.](#)

If No, **submit as an Exhibit** a statement of explanation, including the specific steps the applicant intends to implement to ensure compliance in the future.

11. The licensee may include as an exhibit any other comments or information it wants the Commission to consider in evaluating compliance with the Children's Television Act. This may include information on any other non-core educational and informational programming that the applicant aired or plans to air, or any existing or proposed non-broadcast efforts that will enhance the educational and informational value of such programming to children. See 47 C.F.R. Section 73.671, NOTE 2.

[Exhibit No.](#)

12. **Continued Class A Eligibility.** Licensee certifies that its station does, and will continue to, broadcast: (a) a minimum of 18 hours per day; and (b) an average of at least 3 hours per week of programming each quarter produced within the market area served by the station, or by a group of commonly controlled low power or Class A stations whose predicted Grade B contours are contiguous. Yes No

[See Explanation in Exhibit No.](#)

13. **Discontinued Operations.** Licensee certifies that during the preceding license term, the station has not been silent for any consecutive 12-month period. Yes No

[See Explanation in Exhibit No.](#)

14. **Silent Station.** Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public. Yes No

15. **Environmental Effects.** Licensee certifies that the specified facility complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments. Yes No

[See Explanation in Exhibit No.](#)

By checking "Yes" above, the licensee also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

16. **Local TV Ownership Waiver.** Has the licensee been granted a "failing" or "marginal" station waiver of 47 C.F.R. Section 73.3555(b)? Yes No

If Yes, **submit as an Exhibit** a specific factual showing of the program-related benefits that have accrued to the public as a result of that waiver.

[Exhibit No.](#)

Section V - TO BE COMPLETED BY FM AND TV TRANSLATOR AND LOW POWER TV LICENSEES ONLY

1. Station Information:

Call Sign	Facility Identifier	Area Licensed to Serve	
		City	State

2. Operational Status:

a. **Silent station:** Licensee certifies that the station is currently on the air.

Yes No

See explanation in Exhibit No.

b. **Rebroadcast Status.** Licensee certifies that the station is currently rebroadcasting the signal of an FM, TV, or LPTV station.

Yes No N/A

See explanation in Exhibit No.

If Yes, identify the station being broadcast:

Call sign	Facility Identifier	Area Licensed to Serve	
		City	State

c. **Rebroadcast Consent.** Licensee certifies that it has obtained written authority from the licensee of the primary station identified above for retransmitting the primary station's programming.

Yes No N/A

See explanation in Exhibit No.

3. For FM Translator Applicants Only:

a. Licensee certifies that it is in compliance with 47 C.F.R. Section 74.1232(d) which prohibits the common ownership of a commercial primary station and a FM translator station whose coverage contour extends beyond the coverage 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

See explanation in Exhibit No.

b. Licensee certifies that it is in compliance with 47 C.F.R. Section 74.1232(e) which prohibits an FM translator station whose coverage 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 N/A

See explanation in Exhibit No.

4. **For Low Power TV Applicants Only.** Licensee certifies that it has filed with the Commission, the station's Broadcast EEO Program Report (FCC Form 396) and has posted the most recent Public File Report on the station's website, as required by 47 C.F.R. Section 73.2080(f)(1). Yes No N/A

See explanation in Exhibit No.

5. **Environmental Effects.** Licensee certifies that the specified facility complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments. Yes No

See explanation in Exhibit No.

By checking "Yes" above, the licensee also certifies that, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower, or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

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

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this report. We will use the information you provide to determine if the benefit requested is consistent with the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your request may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your request may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection. If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized. If you do not provide the information requested on this report, the report 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. We have estimated that each response to this collection of information will average 3 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0110), Washington, D. C. 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0110.

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.

Exhibit C

FCC 323

INSTRUCTIONS FOR OWNERSHIP REPORT

GENERAL INSTRUCTIONS - SECTION I

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).

- (a) By licensee at two-year intervals on the anniversary date of the station's renewal application filing date. Where the licensee, however, is a partnership that is composed entirely of natural persons, the biennial reporting requirement does not apply. Similarly, sole proprietorships (i.e., where the station is licensed to an individual(s)) are not required to file biennially.

If information submitted is equally applicable to each listed station, one biennial report may be filed for all such stations; otherwise, a separate report shall be filed for each station on the appropriate filing date.

If there has been no change since the filing of the last biennial report, a certification may be filed in lieu of a new report, stating that the previously filed report has been examined and is currently accurate.

- (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. **Electronic Filing of Application Forms.** The Commission is currently developing electronic versions of various broadcast station application and reporting forms, such as this report form. As each application form and report goes online, the Commission will by Public Notice announce its availability and the procedures to be followed for accessing and filing the application form or report electronically via the Internet. For a six-month period following the issuance of the Public Notice, the subject application form or report can be filed with the Commission either electronically or in a paper format. Electronic filing will become mandatory, on a form-by-form basis, six months after each application form or report

becomes available for filing electronically.

3. 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 "biennial" ownership reports that must be submitted with a fee, see 47 C.F.R. Section 0.401(b) and Fee Instructions below.
4. 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 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 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.

5. **Names/Addresses.** 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.

Any change 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.

FCC Registration Number (FRN). To comply with the Debt Collection Improvement Act of 1996, the applicant must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Facility ID Number. Radio and TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and

select CDBS Public Access. You can also obtain your facility ID number by calling: Radio - 202-418-2700, TV - 202-418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.

- 6. 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 Ownership Instructions, 3.
- 7. **FEES.** By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. A fee is required to be paid and submitted with the filing of a licensee's "biennial" ownership report **only**. The "biennial" 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 "biennial" ownership report, a certification may be filed on behalf of the station in lieu of a new report, stating that the previously filed "biennial" ownership report has been examined and is currently accurate and complete. Such certification constitutes the station's "biennial" ownership report for that year and the required fee must also be submitted with the certification. The "biennial" ownership report (whether on Form 323 or as a 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.

When filing a fee-exempt FCC Form 323, the licensee/permittee must complete Question 4 and provide an explanation as appropriate.

FCC Form 323's NOT involving the payment of a fee must be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a). Do not send fee-exempt applications to Mellon Bank because it will result in a delay in processing the report.

FCC Form 159 must be submitted with any application or report subject to a fee received at the Commission. Licensees or permittees who wish to pay for more than one filing in the same lockbox with a single payment can do so by submitting 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).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. All "biennial" 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 Remittance Advice Form (FCC Form 159) and the addresses to which the "biennial" 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. 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, and 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.

Procedures for payment of fees when applications and reporting forms are filed electronically will be announced by subsequent public notice. See General Instructions, 2. Payment of fees may also be made by Electronic Payment prior to the institution of electronic filing procedures, provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering "biennial" ownership reports may receive dated receipt copies by presenting copies to the acceptance clerk at the time of delivery. For mailed-in "biennial" ownership reports, a "return copy" of the report can be furnished provided the licensee 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. The "return copy" should be placed on top of the reporting form package. Failure to do so may result in your copy not being returned.

For further information regarding fees and payment procedures licensees should consult 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. As used in Question 6, the term "respondent" refers either to the licensee or permittee or to an entity controlling or holding an "attributable" interest in the licensee or permittee, as defined in Instruction 3 below.
2. 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.
3. As used in Question 9, an "attributable" interest is an ownership interest in or relationship to a licensee or permittee which will confer on its holder that degree of influence or control over the licensee or permittee sufficient to implicate the Commission's multiple ownership rules. In responding to Question 9, licensees/permittees should review the Commission's multiple ownership attribution policies and standards which are set forth in the Notes to 47 C.F.R. Section 73.3555, as revised and explained in Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests, FCC 99-207, released August 6, 1999. See also Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 604 (1985), further modified on reconsideration, 61 RR 2d 739 (1986).

The following interests are attributable and the holder of such interest and should be reported in response to Question 9(a):

If a Corporation: Each officer, director and owner of stock accounting for 5% or more of the issued and outstanding voting stock of the respondent is considered the holder of an attributable interest. Where the 5% stock owner is itself a corporation, each of its stockholders, directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a holder of an attributable interest, **UNLESS** the respondent submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the corporate respondent or the station. In this statement, the respondent should identify the individual by name and title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest.

A person or entity holding an ownership interest in the corporate stockholder of the corporate respondent is considered a party to this application **ONLY IF** that

interest, when multiplied by the corporate stockholder's interest in the respondent, would account for 5% or more of the issued and outstanding voting stock of the applicant. For example, where Corporation X owns stock accounting for 25% of the applicant's votes, only Corporation X shareholders holding 20 percent or more of the issued and outstanding voting stock of Corporation X have a 5% or more indirect interest in the respondent (.25 x .20 = .05) and, therefore, are considered holders of attributable interests. In applying the multiplier, any entity holding more than 50% of its subsidiary will be considered a 100% owner. Where the 5% stock owner is a partnership, each general partner and any limited partner that is not insulated, regardless of the partnership interest, is considered a party to the application.

Stock subject to stockholder cooperative voting agreements accounting for 5% or more of the votes in a corporate respondent will be treated as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a holder of an attributable interest.

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, **unless that entity's interest is attributable under the Commission's Equity/Debt Plus attribution standard described below.**

An investment company, insurance company or trust department of a bank is not considered a holder of an attributable interest, and a respondent may properly certify that such entity's interest is non-attributable in response to Question 9(b), **IF** its aggregated holding accounts for less than 20% of the outstanding votes in the applicant **AND IF** such entity exercises no influence or control over the corporation, directly or indirectly; and such entity has no representatives among the officers and directors of the corporation.

If a PARTNERSHIP: Each partner, including all limited partners. However, a limited partner in a limited partnership is **not** considered a holder of an attributable interest **IF** the limited partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the respondent so certifies in response to Question 9(b). Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership arrangement:

(1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;

- (2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;
- (3) restricts any exempted limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;
- (4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;
- (5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;
- (6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and
- (7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification **cannot** be made **IF** the limited partner's interest is attributable under the Commission's **Equity/Debt Plus** attribution standard described below; or **IF** the respondent has actual knowledge of a material involvement of a limited partner in the management or operation of the media-related businesses of the partnership. In the event that the respondent cannot certify as to the noninvolvement of a limited partner, the limited partner will be considered as a holder of an attributable interest.

If a LIMITED LIABILITY COMPANY: The Commission treats a LLC as a limited partnership, each of whose members is considered to be a party to the application. However, where a LLC member is insulated in the manner specified above with respect to a limited partnership and where the relevant state statute authorizing the LLC permits a LLC member to insulate itself in accordance with the Commission's criteria, that LLC member is not considered a holder of an attributable interest. In such a case, the applicant should certify "Yes" in response to Question 9(b).

Equity/Debt Plus Attribution Standard. Certain interests held by substantial investors in, or creditors of, the respondent may also be attributable and the investor reportable as a holder of an attributable interest, if the interest falls within the Commission's **EDP** attribution standard. Under the **EDP** standard, the interest held, aggregating both equity and debt, must exceed 33% of the total asset value (all equity plus all debt) of the respondent, a broadcast station licensee, cable television system, daily newspaper or other media outlet subject to the Commission's broadcast multiple ownership rules **AND** the interest holder must either also hold an attributable interest in a media outlet in the same market or supply over 15% of the total weekly broadcast programming hours of the station in which the interest is held. For example, the equity interest of an insulated limited partner in a limited partnership respondent would normally not be considered attributable. However, under the **EDP** standard, that interest would be attributable if the limited partner's interest exceeded 33% of the respondent's total asset value **AND** the limited partner also held a 5% voting interest in a radio or television station licensee in the same market.

4. Among other things, Question 9(a) seeks information as to those persons to which the Commission's minority and female ownership policies have historically applied. In addition to gender information, the race/ethnic categories are:
 - a. **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
 - b. **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
 - c. **Black or African American.** A person having origins in any of the black racial groups of Africa.
 - d. **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish Culture or origin, regardless of race.
 - e. **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
 - f. **White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

CERTIFICATION INSTRUCTIONS - 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 REQUIRED BY THE PAPERWORK REDUCTION ACT

If you do not provide the information requested on this form, the report 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.

We have estimated that each response to this collection of information will take 7.5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0010), Washington, DC 20554. We will also accept your comments via the Internet if you send them to pra@fcc.gov. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0010.

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

FOR
FCC
USE
ONLY

FCC 323
OWNERSHIP REPORT
FOR
COMMERCIAL BROADCAST STATIONS

FOR COMMISSION USE ONLY

FILE NO.

SECTION I - GENERAL INFORMATION

1. Legal Name of the Licensee/Permittee

Mailing Address

City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	
FCC Registration Number	Facility ID Number	Call Sign

2. Contact Representative (if other than Licensee/Permittee) Firm or Company Name

Mailing Address

City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

3. Name of entity, if other than licensee or permittee, for which report is filed

Mailing Address

City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

4. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):
- Governmental Entity Fee-exempt Report Other _____

SECTION II - OWNERSHIP INFORMATION

5. All of the information furnished in this Report is accurate as of _____
(Date must comply with 47 C.F.R. Section 73.3615(a), i.e., information must be current within 60 days of filing of this report, when 5(a) below is checked.)

This Report is filed for (check one)

- a. Biennial b. Transfer of Control or Assignment of License/ Permit c. Other

for the following stations:

Call Letters	Facility ID Number	Location	Class of service

6. Respondent is:

- Sole proprietorship
 Not-for-profit corporation
 Limited partnership
 For-profit corporation
 General partnership
 Other

If "Other," describe the nature of the respondent in an Exhibit.

Exhibit No.

7. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (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

9. a. List the respondent, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the respondent, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach supplemental pages, if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- | | |
|--|---|
| <p>1. Name and address of respondent and each party to the respondent holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the respondent first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p> <p>2. Gender (male or female).</p> <p>3. Ethnicity (check one).</p> <p>4. Race (select one or more).</p> | <p>5. Citizenship.</p> <p>6. Positional interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>7. Percentage of votes.</p> <p>8. Percentage of total assets (equity debt plus).</p> |
|--|---|

1.			
2.			
3.	<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino
4.	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White
5.			
6.			
7.			
8.			

Supplemental Page for Question 9(a)

1.			
2.			
3.	<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino
4.	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White
5.			
6.			
7.			
8.			

(b) Respondent certifies that equity and financial interests not set forth in response to Question 9(a) are non-attributable. Yes No See Explanation in Exhibit No.

N/A

(c) Is the respondent or any party holding an attributable interest in the respondent also the holder of an attributable interest in any other broadcast station, or in any cable or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Sections 73.3555 and 76.501? Yes No

If "Yes," submit an Exhibit identifying the holder of that other attributable interest, listing the call signs, locations and facilities identifiers of such other broadcast stations, and describing the nature and size of the ownership interest and the positions held in the other broadcast, cable or newspaper entities.

Exhibit No.

(d) Are any of the individuals listed in response to Question 9(a) related as parent-child, husband-wife, brothers and sisters? Yes No

If "Yes," submit an Exhibit setting forth full information as to the family relationship.

Exhibit No.

(e) Is respondent seeking an attribution exemption for any officer or director with duties unrelated to the licensee or permittee? Yes No

If "Yes," submit an Exhibit identifying that individual by name and title, fully describing that individual's duties and responsibilities, and explaining why that individual should not be attributed an interest.

Exhibit No.

SECTION III - CERTIFICATION

I certify that I am _____
(Official Title)

of _____
(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 5, Section II and in no event prior to that date.)

Signature	Date
Telephone Number of Respondent (Include area code)	

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).

Exhibit D

BROADCAST EQUAL EMPLOYMENT OPPORTUNITY PROGRAM REPORT

(To be filed with broadcast license renewal application)

(For FCC Use Only)

Code No.

Legal Name of the Licensee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	
	Facility ID Number	Call Sign

TYPE OF BROADCAST STATION :

Commercial Broadcast Station

Noncommercial Broadcast Station

- Radio TV
 Low Power TV
 International

- Educational Radio
 Educational TV

List call sign and location of all stations included on this report. List commonly owned stations that share one or more employees. Also list stations operated by the licensee pursuant to a time brokerage agreement. Indicate on the table below which stations are operated pursuant to a time brokerage agreement. To the extent that licensees include stations operated pursuant to a time brokerage agreement on this report, responses or information provided in Sections I through IV should take into consideration the licensee's EEO compliance efforts at brokered stations, as well as any other stations, included on this form. For purposes of this form, a station employment unit is a station or a group of commonly owned stations in the same market that share at least one employee.

Call Sign	Facility ID Number	Type (check applicable box)	Location (city, state)	Time Brokerage Agreement (check applicable box)
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> TV		<input type="checkbox"/> Yes <input type="checkbox"/> No

CONTACT PERSON IF OTHER THAN LICENSEE

Name		Street Address	
City	State	Zip Code	Telephone No. ()

FILING INSTRUCTIONS

Broadcast station licensees 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, religion, and sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, a license renewal applicant whose station employment unit employs five or more full-time station employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed. If a station employment unit is filing a combined report, a copy of the report must be filed with each station's renewal application.

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 sanctions or license renewal being delayed or denied. These requirements are contained in 47 C.F.R. Section 73.2080 and are authorized by the Communications Act of 1934, as amended.

DISCRIMINATION COMPLAINTS. Have any pending or resolved complaints been filed during this license term before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in the employment practices of the station(s)? Yes No

If so, provide a brief description of the complaint(s), including the persons involved, the date of the filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

--

Does your station employment unit employ fewer than five full-time employees? Yes No
Consider as "full-time" employees all those permanently working 30 or more hours a week.

If your station employment unit employs fewer than five full-time employees, 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 this form. If your station employment unit employs five or more full-time employees, you must complete all of this form and follow all instructions.

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 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	Name of Respondent
Title	Telephone No. (include area code)
Date	

The purpose of this document is to provide broadcast licensees, the FCC, and the public with information about whether the station is meeting equal employment opportunity requirements.

GENERAL POLICY

A broadcast station must provide equal employment opportunity to all qualified individuals without regard to their race, color, national origin, religion or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

RESPONSIBILITY FOR IMPLEMENTATION

A broadcast station must assign 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.

I. EEO PUBLIC FILE REPORT

Attach as an exhibit one copy of each of the EEO public file reports from the previous two years. Stations are required to place annually such information as is required by 47 C.F.R. Section 73.2080 in their public files.

Exhibit No.

II. NARRATIVE STATEMENT

Provide a statement in an exhibit which demonstrates how the station achieved broad and inclusive outreach during the two-year period prior to filing this application. Stations that have experienced difficulties in their outreach efforts should explain.

Exhibit No.

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

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this report. We will use the information you provide to determine if the benefit requested is consistent with the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your request may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your request may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection. If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized. If you do not provide the information requested on this report, the report 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. We have estimated that each response to this collection of information will average 1 hour, 30 minutes. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0113), Washington, D. C. 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0113.

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.

Exhibit E

INSTRUCTIONS FOR FCC 398

CHILDREN'S TELEVISION PROGRAMMING REPORT

GENERAL INSTRUCTIONS

Introduction.

This FCC Form is to be used to provide information on the efforts of commercial television broadcast stations, including Class A television stations, to provide children's educational television programming as required by the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, 394, and the Commission's regulations implementing that statute. See Report and Order in MM Docket No. 93-48, 11 FCC Rcd 10660 (1996); Report and Order and FNPRM in MM Docket No. 00-167, 19 FCC Rcd (2004).

Applicable Rules and Regulations.

Before this form is prepared, the licensee should review the relevant portions of Sections 73.671, 73.673, and 73.3526(e)(11)(iii) in Title 47 of the Code of Federal Regulations (C.F.R.). Copies of Title 47 may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. You may telephone the GPO Customer Service Desk at (202) 512-1800 for current prices. Licensees should make every effort to file complete forms in compliance with the rules. Replies to questions on this form and the licensee's statements constitute representations on which the FCC will rely in considering the renewal of the licensee's television broadcast authorization. Thus, time and care should be devoted to all replies, which should reflect accurately the licensee's efforts to provide children's educational television programming as required by the Children's Television Act of 1990 and the Commission's rules.

Preparation and Retention of Reports.

Pursuant to 47 C.F.R. Section 73.3526(e)(11)(iii), each commercial television broadcast licensee must prepare a Children's Television Programming Report for each calendar quarter reflecting efforts made by the licensee during the quarter, as well as efforts planned for the next quarter, to serve the educational and informational needs of children. The licensee must place a copy of each quarterly report in its station's public inspection file by the tenth day of the succeeding calendar quarter (i.e., by April 10 for the first

quarterly report; by July 10 for the second quarterly report; by October 10 for the third quarterly report; and by January 10 for the fourth quarterly report). All entries on the report must be typed or legibly printed in ink. The signed original of each report should be retained in the station's non-public files, and a copy placed in the public inspection file. The reports must be separated from other material in the public inspection file, and the licensee must publicize in an appropriate manner the existence and location of these reports.

Filing Reports with the Commission.

FCC Form 398 must be filed electronically with the Commission on a **quarterly** basis on the following dates: April 10 for the first quarterly report; July 10 for the second quarterly report; October 10 for the third quarterly report; and January 10 of the succeeding year for the last quarterly report.

FCC Form 398 can be file electronically over the Internet by accessing the FCC Web site at <http://www.fcc.gov>, selecting Electronic filing from the menu (above the Headlines banner), then selecting the Children's Television Programming Report (FCC Form 398). Follow the instructions on that page for the electronic preparation and filing of the FCC 398 report.

No fee is required to file this report.

Incorporation by Reference.

Licensees may **NOT** incorporate by reference data, documents, exhibits, or other showings already on file with the FCC. All applicable items on this form must be answered without reference to a previous filing.

Children's Television Act Program Requirements.

Pursuant to the Children's Television Act and 47 C.F.R. Section 73.671(a), each television broadcast station licensee has an obligation to serve, over the term of its license, the

All previous editions obsolete.

educational and informational needs of children through both the licensee's overall programming and programming specifically designed to serve such needs. Licensees are required to publicize the availability of their programming specifically designed to educate and inform children in accord with 47 C.F.R. Section 73.673 and to report on these programs and related matters in accord with 47 C.F.R. Section 73.3526 (e)(11)(iii).

Educational and informational television programming is defined in 47 C.F.R. Section 73.671(c) as programming that furthers the educational and informational needs of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs. **Core Programming** is defined as educational and informational programming that is specifically designed to serve the educational and informational needs of children and that also satisfies the following criteria:

- (1) the program serving the educational and informational needs of children ages 16 and under as a significant purpose;
- (2) the program is aired between the hours of 7:00 a.m. and 10:00 p.m.;
- (3) the program is a regularly scheduled weekly program;
- (4) the program is at least 30 minutes in length;
- (5) the program is identified as specially designed to educate and inform children by the display on the television screen throughout the program of the E/I symbol;
- (5) the educational and informational objective of the program and the target child audience are specified in writing in the licensee's Children's Television Programming Report, as described in 47 C.F.R. Section 73.3526(e)(11)(iii); and
- (6) instructions for listing the program as educational/informational, including an indication of the age group for which the program is intended, are provided to publishers of program guides.

For Assistance.

For assistance with FCC Form 398, contact the Video Services Division of the Media Bureau at the FCC, Washington, D.C. 20554, Telephone Number (202) 418-1600.

INSTRUCTIONS FOR SPECIFIC ITEMS ON FCC FORM 398

Question 1: The licensee should provide its current call sign, channel number, and community of license, including city, state, county, and zip code, as set forth in its license authorization. The licensee should also provide its licensee name, indicate the station's license renewal expiration date,

indicate the call sign used on the preceding Children's Television Programming Report prepared for the station (if different from the current call sign), check the appropriate box indicating whether it is a network affiliate (if so, identify the affiliated network) or an independent station, and indicate the name of the Nielsen DMA in which the station is located. In addition, if the licensee has a World Wide Web home page, it should provide the address. The licensee should also provide the station's Facility ID Number.

Question 2: Indicate the average number of hours per week of core programming broadcast by the station over the past calendar quarter. Generally, in assessing whether a commercial television broadcast licensee has complied with its programming obligations under the Children's Television Act of 1990 (CTA), the Commission employs a processing guideline. For analog stations, a licensee that has aired at least three hours per week of **Core Programming**, as averaged over a six-month period, shall be deemed to have satisfied its obligation to serve the educational and informational needs of children and shall have the CTA portion of its license renewal application approved by the Commission's staff.

Question 3: Indicate whether the licensee provides information identifying each core program and its target child audience to publishers of program guides and, if so, list those program guide publishers.

Question 4: For each core program aired by the station during the calendar quarter for which this report is being prepared, set forth in Form Question 4 the following information: the title of the program; whether the program is originated by the station or its affiliated network, or is syndicated; the days and times the station regularly schedules the program; the program length (in minutes); the total number of times the program aired at its regularly scheduled time during the quarter; and the number of times the program was preempted during the quarter. If the program was preempted during the quarter, the station should complete a "Preemption Report," included in this form, for each preempted core program. The licensee should also indicate the ages of the target child audience; and include a description of the educational and informational objective of the program, as well as a discussion of how the program meets the definition of core programming set forth in 47 C.F.R. Section 73.671(c). For a qualifying regular series a general description of the series should be sufficient so long as the description is adequate to provide the public with enough information about how the series is specifically designed to meet the educational and informational needs of children.

Question 5: For each program aired by the station during the preceding calendar quarter that is specifically designed to meet the educational and informational needs of children

ages 16 and under, but does not meet one or more elements of Core Programming, set forth in Form Question 5 the following information: the title of the program; whether the program is originated by the station, its affiliated network, or is syndicated; the days and times the program aired during the quarter; the program length (in minutes); the total number of times the program aired during the quarter; if preempted and rescheduled during the quarter, the date and time the program aired; the ages of the target child audience (if applicable); a description of the program; and an indication of whether the program has educating and informing children ages 16 and under as a significant purpose. For any such program, state whether the licensee identifies the program with the symbol E/I and whether information is provided to publishers of program guides consistent with 47 C.F.R. Section 73.673.

Question 6: Pursuant to 47 C.F.R. Section 73.671(b), in addition to airing core and non-core educational and informational children's programming a licensee may contribute to satisfying its obligation under the Children's Television Act by engaging in special efforts to produce and support educational and informational television programming aired by another station in the licensee's marketplace. List the name(s) of any core program(s) aired by other stations that are sponsored by the licensee, and identify the call letters and channel number of the station(s) airing the sponsored core program(s). Indicate whether the amount of total core programming aired on the other station(s) has increased as a result of the sponsored programming. A licensee will receive credit for special sponsorship efforts only if it can demonstrate that its production or support of such core programming aired on another station in its market increased the amount of core programming on the other station. In addition, for each core program sponsored by the licensee, set forth in Question 6 the following information: the title of the program; whether the program is originated by the station for which this report is filed or its affiliated network, or is syndicated; the days and times the program was regularly scheduled; the program length (in minutes); the total number of times the program aired during the quarter; the number of times the program was preempted during the quarter; if the program was preempted and rescheduled during the quarter, the dates and times the program aired; the ages of the target child audience; and a description of the educational and informational objective of the program, as well as a discussion of how the program meets the definition of core programming in 47 C.F.R. Section 73.671(c).

Question 7: Commercial television broadcast station licensees providing digital programming are required to serve the educational and informational needs of children. On their main program stream, digital broadcasters are subject to the same three hours per week core programming processing guideline as applies to analog broadcasters. See Question 2.

Question 8: In addition to the core programming processing guideline that applies to the main program stream, DTV broadcasters that provide additional streams or channels of free video programming, beyond that provided on their main program stream, also have the following guideline applied to their additional programming: one-half hour per week of additional **Core Programming** for every increment of 1 to 28 hours of free video programming provided in addition to the main program stream.

Question 9: See Question 3.

Question 10: See Question 4.

Question 11: In addition, for purposes of the CTA processing guideline for digital stations, at least 50% of **Core Programming** counted toward meeting the additional programming guideline (applied to free video programming aired on other than the main program stream) cannot consist of program episodes that have already aired within the previous seven days either on the station's main program stream or on another of the station's free digital program streams. Any program stream that merely time shifts the entire **Core Programming** line-up of another program stream is exempt from this requirement. In addition, during the digital transition, **Core Programs** that are aired on both the analog station and a digital program stream are not considered repeated programs.

Question 12: See Question 5.

Question 13: See Question 6.

Question 14: For each analog and digital program the station plans to air during the next calendar quarter that meets the definition of core programming, set forth in Form Question 14 the following information: the title of the program; whether the program will be originated by the station or its affiliated network, or will be syndicated; the days and times the program will be regularly scheduled; the program length (in minutes); the total number of times the program will be aired during the quarter; the ages of the target child audience; and a description of the educational and informational objective of the program, as well as a definition of how it meets the definition of core programming set forth in 47 C.F.R. Section 73.671(c).

Question 15: Indicate whether the licensee publicizes the existence and location of the station's Children's Television Programming Reports as required by 47 C.F.R. Section 73.3526(e)(11)(iii).

Question 16: Pursuant to 47 C.F.R. Section 73.3526(e)(11)(iii), licensees must identify the individual at the station responsible for collecting comments on the station's compliance with the Children's Television Act. Provide the

name, address, telephone number, and the internet mail address (if available) of this individual.

Question 17: Provide any other comments or information you wish the Commission to consider in evaluating whether the licensee has met its obligations under the Children's Television Act and the Commission's rules. This may include, but is not limited to, information on any non-core educational and informational programming that the station plans to air during the next calendar quarter, as well as information on any existing or proposed non-broadcast activities that the licensee believes enhance the educational and informational value to children of the licensee's educational programming.

Preemption Reports. As indicated in Questions 4 and 10, if a core program was preempted during the quarter for any reason, the licensee should complete a Preemption Report for each preempted core program. The Report should include the following information: the title of the program; the total number of times the program was aired during the quarter (including the number of times the program aired at its regularly scheduled date and time and the number of times any rescheduled programs aired); the number of preemptions during the quarter; and the number of preemptions rescheduled during the quarter. The Report should also indicate, for each preempted episode of the core program: the date the episode was preempted; if rescheduled, the date and time the episode was rescheduled; if rescheduled, whether promotional efforts were made to notify the public of the rescheduled date and time; and whether the rescheduled date is the program's "second home" as described in letters, dated July 11, 1997, from Roy J. Stewart, Chief, Mass Media Bureau, to: Martin D. Franks, Senior Vice President, Washington, CBS, Inc.; Alan Braverman, Senior Vice President and General Counsel, ABC, Inc.; Rick Cotton and Diane Zipurky, NBC, Inc. The Report should also indicate for each preempted episode the reason for the preemption.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take 12 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0754), Washington, DC 20554. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid

OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0754.

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

FCC 398

CHILDREN'S TELEVISION PROGRAMMING REPORT

Report reflects information for quarter ending (mm/dd/yy)

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1. Call Sign	<u>Channel Numbers</u>	<u>Community of License</u>									
	Analog _____	City	State	County	ZIP Code						
	Digital _____										
Licensee											
<input type="checkbox"/> Network Affiliation: _____ <input type="checkbox"/> Independent		Nielsen DMA	World Wide Web Home Page Address (if applicable)								
Facility ID Number	Previous Call Sign (if applicable)		License Renewal Expiration Date (mm/dd/yy)								
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25px; height: 25px;"></td> </tr> </table>									

Analog Core Programming

2. State the average number of hours of Core Programming per week broadcast by the station. See 47 C.F.R. Section 73.671(c).

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3. a. Does the licensee provide information identifying each Core Program aired on its station, including an indication of the target child audience, to publishers of program guides as required by 47 C.F.R. Section 73.673?

Yes **No**

b. Identify publishers who were sent information in 3.a.

--

4. Complete the following for each program that you aired during the past three months that meets the definition of Core Programming. Complete chart below for each Core Program.

Title of Program:		Origination		
		Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired at regularly scheduled time	Number of Preemptions	If preempted, complete Analog Preemption Report	
Length of Program: _____ (minutes)				
Age of Target Child Audience from _____ years to _____ years.				
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.				
Does the Licensee identify the program by displaying throughout the program the symbol E/I? <input type="checkbox"/> Yes <input type="checkbox"/> No				

Non-Core Educational and Informational Programming

5. Complete the following for each program that you aired during the past three months that is specifically designed to meet the educational and informational needs of children ages 16 and under, but does not meet one or more elements of the definition of Core Programming. See 47 C.F.R. Section 73.671. Complete chart below for each additional such educational and informational program.

Title of Program:			Origination		
			Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	If preempted and rescheduled, list date and time aired.		
			Dates	Times	
Length of Program: _____ (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the program.					
Does the program have educating and informing children ages 16 and under as a significant purpose? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, does the Licensee identify each program by displaying throughout the program the symbol E /I? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, does the licensee provide information regarding the program, including an indication of the target child audience, to publishers of program guides consistent with 47 C.F.R. Section 73.673? <input type="checkbox"/> Yes <input type="checkbox"/> No					

Sponsored Core Programming

6. List Core Programs, if any, aired by other analog stations that are sponsored by the Licensee and that meet the criteria set forth in 47 C.F.R. Section 73.671. Also indicate whether the amount of total Core Programming broadcast by another station increased.

Name of Program	Call Letters of Station Airing Sponsored Program	Channel Number of Station Airing Sponsored Program	Did total programming increase?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

For each Core Program sponsored by the Licensee, complete the chart below.

Title of Program:			Origination		
			Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	If preempted and rescheduled, list date and time aired.		
			Dates	Times	
Length of Program: _____ (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.					
Was the program identified by the display throughout the program of the symbol E/I? <input type="checkbox"/> Yes <input type="checkbox"/> No					

Digital Core Programming

7. a. State the average number of hours of Core Programming per week broadcast by the station on its main program stream.
- b. Did the Licensee broadcast on its main digital program stream the same Children's Core Programming provided on its analog channel? Yes No
- c. If Yes to 7b, the Licensee certifies that the representations and children's program information provided with respect to its analog channel apply equally with respect to its main digital program stream. Yes No

If No to 7c, submit as an Exhibit a Statement of Explanation.

See explanation in Exhibit No. ____

8. a. State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.
- b. State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream. See 47 C.F.R. Section 73.671.
9. a. Does the Licensee provide information identifying each Core Program aired on its station, including an indication of the target child audience, to publishers of program guides as required by 47 C.F.R. Section 73.673? Yes No
- b. Identify publishers who were sent information in 9.a.

10. Complete the following for each program that you aired during the past three months that meets the definition of Core Programming. Complete chart below for each Core Program.

Title of Program:		Origination		
		Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired at regularly scheduled time	Number of Preemptions	If preempted, complete Digital Preemption Report	
Length of Program: (minutes)				
Age of Target Child Audience from _____ years to _____ years.				
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.				
Does the Licensee identify the program by displaying throughout the program the symbol E/I?				<input type="checkbox"/> Yes <input type="checkbox"/> No

11. Does the Licensee certify that at least 50% of the Core Programming counted toward meeting the additional programming guideline (applied to free video programming aired on other than the main program stream) did not consist of program episodes that had already aired within the previous seven days either on the station's main program stream or on another of the station's free digital program streams? Yes No

If No, submit as an Exhibit a Statement of Explanation setting forth the number of repeats in excess of the repeat limit and the times and dates the episodes involved were aired.

See explanation in Exhibit No. ____

Non-Core Educational and Informational Programming

12. Complete the following for each program that you aired during the past three months that is specifically designed to meet the educational and informational needs of children ages 16 and under, but does not meet one or more elements of the definition of Core Programming. See 47 C.F.R. Section 73.671. Complete chart below for each additional such educational and information program.

Title of Program:			Origination		
			Local	Network	Syndicated
			If preempted and rescheduled, list date and time aired.		
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	Dates		Times
Length of Program: (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the program.					
Does the program have educating and informing children ages 16 and under as a significant purpose?					<input type="checkbox"/> Yes <input type="checkbox"/>
If Yes, does the Licensee identify each program by displaying throughout the program the symbol E/I?					<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the Licensee provide information regarding the program, including an indication of the target child audience, to publishers of program guides consistent with 47 C.F.R. Section 73.673?					<input type="checkbox"/> Yes <input type="checkbox"/> No

Sponsored Core Programming

13. List Core Programs, if any, aired by other stations that are sponsored by the Licensee and that meet the criteria set forth in 47 C.F.R. Section 73.671. Also indicate whether the amount of total Core Programming broadcast by another station increased.

Name of Program	Call Letters of Station Airing Sponsored Program	Channel Number of Station Airing Sponsored Program	Did total programming increase?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

For each Core Program sponsored by the Licensee, complete the chart below.

Title of Program:			Origination		
			Local	Network	Syndicated
			If preempted and rescheduled, list date and time aired.		
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	Dates		Times
Length of Program: (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.					
Was the program identified by the display throughout the program of the symbol E/I?					<input type="checkbox"/> Yes <input type="checkbox"/> No

Other Matters

14. Complete the following for each analog and digital program that you plan to air for the next quarter that meets the definition of Core Programming. Complete chart below for each Core Program, identifying whether it is to be broadcast on the station's analog or digital channel or both channels.

Title of Program:		Origination		
		Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times to be aired	Length of Program	Age of Target Child Audience:	
		(minutes)	from ____ years to ____ years	
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.				

15. Does the Licensee publicize the existence and location of the station's Children's Television Programming Reports (FCC 398) as required by 47 C.F.R. Section 73.3526(e)(11)(iii)? Yes No

16. Name of children's programming liaison:

Name	Telephone Number (include area code)	
Address	Internet Mail Address (if applicable)	
City	State	Zip Code

17. Include any other comments or information you want the Commission to consider in evaluating your compliance with the Children's Television Act (or use this space for supplemental explanations). This may include information on any other non-core educational and informational programming that you aired this quarter or plan to air during the next quarter, or any existing or proposed non-broadcast efforts that will enhance the educational and informational value of such programming to children. See 47 C.F.R. Section 73.671, NOTES 2 and 3.

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 Licensee (print)	Signature
Date	

ANALOG PREEMPTION REPORT

Complete the chart below for each Core Program listed in Question 4 of FCC 398 that was preempted during the last three months.

Title of Program:		
Total Times Aired	Number of Preemptions for other than Breaking News	Number of Preemptions Rescheduled
Date Preempted/Episode #	If rescheduled, date and time rescheduled	Is the rescheduled date the second home? <input type="checkbox"/> Yes <input type="checkbox"/> No
If rescheduled, were promotional efforts made to notify the public of rescheduled date and time? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Reason for Preemption: <input type="checkbox"/> Public Interest <input type="checkbox"/> Sports <input type="checkbox"/> Non-breaking News <input type="checkbox"/> Other		

DIGITAL PREEMPTION REPORT

Complete the chart below for each Core Program listed in Question 9 of FCC 398 that was preempted during the last three months.

Title of Program:		
Total Times Aired	Number of Preemptions for other than Breaking News	Number of Preemptions Rescheduled
Date Preempted/Episode #	If rescheduled, date and time rescheduled	Is the rescheduled date the second home? <input type="checkbox"/> Yes <input type="checkbox"/> No
If rescheduled, were promotional efforts made to notify the public of rescheduled date and time? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Reason for Preemption: <input type="checkbox"/> Public Interest <input type="checkbox"/> Sports <input type="checkbox"/> Non-breaking News <input type="checkbox"/> Other		

Exhibit F

4809	Total AM Renwal Applications
91	Pending
42	Dismissed
1	Canceled Licenses
	Returned
	Rescinded Grant
4675	Granted
977.02	Average days pending (Includes rescinded grant)
180.96	Average days to grant

8785	Total FM Renewal Applications
160	Pending
34	Dismissed
1	Canceled Licenses
2	Returned
	Rescinded Grant
8588	Granted
942.39	Average days pending (Includes rescinded and reintated apps)
177.24	Average days to grant

1754	Total TV Applications
495	Pending
0	Dismissed
	Canceled Licenses
	Returned
2	Rescinded Grant
1257	Granted
830.79	Average days pending (Includes rescinded grants)
302.73	Average days to grant

15348	Total Renewal Applications Filed
746	Pending
76	Dismissed
2	Canceled Licenses
2	Returned
2	Rescinded Grant
14520	Granted
916.73	Average days Pending
220.31	Aveage days to Grant