

Renewal Primer for Radio Stations for Renewal Cycle Beginning June 2019

June 2019

This memorandum provides guidance on the radio license renewal process.¹

SECTION I: THE BASICS

The deadline by which a station is required to file its license renewal application is determined by the state in which the station is licensed. **Attachment A** contains a state-by-state list of license renewal application filing dates and license expiration dates.² **Effective May 13, 2020, stations are not required to broadcast pre-filing announcements for the remainder of the renewal cycle.**³ After filing its license renewal application, a station must air post-filing announcements for three months, starting on the date of a station's applicable license renewal deadline. **Section II** of this memorandum provides detailed guidance on how stations must provide the required post-filing announcements, the specific text to be used, and sample statements for certifying compliance with the public announcement requirements (**Attachments B-E**).

In previous renewal cycles, the license renewal application form was filed using the FCC's CDBS electronic filing system. Now, however, as part of the FCC's ongoing migration of all radio applications from the CDBS platform to the Licensing Management System (LMS), the license renewal application must be filed electronically through the LMS platform using FCC Form 2100/Schedule 303-S ("Form 303-S"). A sample copy of the Form 303-S from LMS is appended hereto as **Attachment F**, along with the FCC's instructions for the form and a worksheet for determining compliance with the Commission's radiofrequency (RF) exposure guidelines.

Although the appearance of the Form 303-S is different in LMS than in CDBS, the questions asked in the form are the same as in the last renewal cycle and generally require "Yes/No" certifications. These certifications cover the entire eight-year license term. For stations purchased in the midst of the preceding license term, your certification only covers the period for which you held the license.

When you complete the application, you should only certify "Yes" to a question where you are certain that you have fully complied with the FCC's rules and policies addressed therein. Otherwise, you should answer "No" and provide an explanatory exhibit. Note that a "No"

¹ Additional information can be found on the FCC's website at <https://www.fcc.gov/media/radio/broadcast-radio-license-renewal#block-menu-block-4>.

² Note that if the first day of the month falls on a weekend or federal holiday, the license renewal application will be due on the next full business day.

³ *Pre-Filing Announcement Requirements 2020-2023 Renewal Applications*, Order, DA 20-511 (rel. May 13, 2020).

response does not automatically preclude grant of your application. The Commission realizes that, over an eight-year span, licensees may make errors. Although a “No” certification can result in a fine, the penalty for a false certification is far greater. The agency has fined broadcasters thousands of dollars for making inaccurate certifications.

Although every question on the Form 303-S is certainly important and should be answered carefully, particular attention should be given to the “Online Public Inspection File” question in the “AM/FM/LPFM Certifications” section of the form. That question asks licensees to certify that their online public inspection files are complete and that all required documents were timely uploaded thereto by the applicable deadline. Now that the online public inspection file is fully operational, FCC staff (and potential petitioners seeking to challenge a station’s renewal) can easily confirm a licensee’s compliance. Accordingly, we encourage you to carefully review your online public inspection file to confirm that everything is in order well in advance of submitting your license renewal application. **Section III** of this memorandum provides detailed guidance on the steps stations should take to ensure that their online public inspection files are complete.

In addition to the online public inspection file, particular attention should be given to those questions in the “Renewal Certification” section of the Form 303-S regarding “Character Issues,” “Adverse Findings,” and “FCC Violations during the Preceding License Term.” In brief, these questions ask (i) whether the licensee or any “party to the application”⁴ (a) has had any interest in, or connection with, a broadcast application that was or is the subject of unresolved character issues or (b) has been the subject of an adverse finding in a civil or criminal proceeding involving a felony, mass-media related antitrust or unfair competition charge, fraudulent statement to another governmental entity or discrimination; and (ii) whether the station has been found by the FCC or a court to have violated a Commission rule during the current license term (e.g., through the issuance of a Notice of Apparent Liability, Notice of Violation or similar finding).⁵ Please note that in responding to these questions, stations should not self-disclose any violations not previously identified by the FCC, a court or other administrative body.

Finally, in conjunction with the license renewal application, all stations (regardless of the number of full-time employees employed) must file a Broadcast Equal Employment Opportunity Program Report in LMS using FCC Form 2100/Schedule 396 (“Form 396”). The Form 396 from LMS is appended hereto as **Attachment G**. Due to the mechanics of the FCC’s filing system, the Form 396 must be filed *in advance* of the license renewal application. Specifically, after the Form 396 is submitted, LMS will generate a file number for the Form 396 that must then be included in the Form 303-S before the renewal application can be submitted. **Section IV** of this memorandum provides detailed guidance on how to complete the Form 396.

⁴ In general, a “party to the application” is any individual or entity whose ownership interest in, or other relation to, an applicant is considered attributable pursuant to the FCC’s rules. Detailed guidance for determining those interests that are attributable is found in the instructions to the Form 303-S appended hereto at Attachment F. If you need assistance determining which individuals and/or entities are “parties to the application,” please contact the Wiley attorney who regularly handles your station matters.

⁵ We are happy to make available upon request a questionnaire that can be forwarded to the relevant parties to inquire about the character issues raised in the Form 303-S.

SECTION II: PUBLIC ANNOUNCEMENTS/NOTICES⁶

Full-Power Radio Stations

Post-Filing Announcements

After your license renewal application is filed, you must broadcast notice of the filing a total of six times – at least once a day on the first⁷ and sixteenth day of the month that the application is filed and of the next two months thereafter. At least three of the six announcements must be broadcast between 7:00 a.m. and 9:00 a.m. and/or between 4:00 p.m. and 6:00 p.m. Of the remaining three post-filing announcements, one should be broadcast between 9:00 a.m. and noon, one between noon and 4:00 p.m., and one between 7:00 p.m. and midnight.⁸ In addition to airing these announcements on your station's main analog programming stream, FCC staff recommends that you air a compliant set of post-filing announcements on each of your station's digital streams (if there are any).

Attachment B contains sample post-filing announcement text. We can assist you with filling in the blanks prior to the date your announcements must begin. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language.

Certification

Within seven days of broadcasting the last post-filing announcement, you must upload a statement certifying compliance with the public announcement requirement to the station's online public inspection file. The statement must set forth the dates and times that the post-filing notices were broadcast and provide the texts of the announcements.

Attachment C contains a sample certification.

FM Translators⁹

Newspaper Notice

FM translators are not required to air filing announcements. Instead, a post-filing notice must be published at least once immediately following the filing of the license renewal application. The notice should be placed in a daily, weekly, or biweekly newspaper published or having

⁶ The requirements discussed in this section are found in Section 73.3580 of the Commission's rules, 47 C.F.R. § 73.3580.

⁷ When a renewal application is filed after the first of the month because, for example, the first of the month is on a weekend, the first post-filing announcement should air on the same day that the license renewal application is filed.

⁸ Stations that do not operate between 7:00 a.m. and 9:00 a.m. or between 4:00 p.m. and 6:00 p.m. must air at least three of the announcements during the first two hours of broadcast operation.

⁹ An FM translator is a secondary FM facility that rebroadcasts the signal of another radio station. An FM translator may rebroadcast the signal of either an AM or an FM station. References in this memo to FM translators include all such facilities, regardless of whether they rebroadcast AM or FM stations. Note that FM translators may be renewed at the same time as the main station with which they are associated if the licensee of both stations is the same. If the licensees are not the same, the FM translator must be renewed on a separate license renewal form.

circulation in the community or area served by the translator. If there is no such newspaper, you should post the required notice in a public place. **Attachment D** contains recommended text for this notice.

Certification

We suggest that a certification with respect to the notice be uploaded to the online public inspection file of the primary station within seven days of publication. **Attachment E** contains a sample certification.

SECTION III: ONLINE PUBLIC INSPECTION FILE

The license renewal form includes a question that asks stations to certify that the material required under the FCC's public inspection file rule was timely placed in (*i.e.*, uploaded to) the station's online public inspection file "as and when required." Licensees who do not answer "Yes" must provide an explanation. In order to make this certification, you must carefully review your online public inspection file and confirm (1) that the appropriate material appears there and (2) that it was uploaded by the relevant deadline. Some of the material required to appear in the online public inspection file is uploaded automatically by the FCC.¹⁰ However, the following material must be manually uploaded by the station: contracts (or a list thereof) related to ownership or control of the station; citizen agreements; a political file (including information regarding programs or announcements concerning controversial issues of public importance); annual EEO Public File Reports; materials relating to FCC investigations or complaints; quarterly issues/programs lists; and time brokerage agreements/joint sales agreements. Also, as discussed above, a full-power station must upload information to its online public inspection file concerning compliance with the FCC's local public notice requirements for renewal applications.

Included herewith is a client memo that addresses the online public inspection file in more detail, including the material that should appear in the public file. Although we encourage you to review your entire online public file for completeness, particular attention should be given to the following materials (discussed further below): Quarterly Issues/Programs Lists, Annual EEO Public File Reports, and Biennial Ownership Reports.

Quarterly Issues/Programs Lists

For purposes of license renewal, it is particularly important for a station to review its Issues/Programs Lists, which are required to be uploaded to the online public inspection file on a quarterly basis.¹¹ In addition to your station's public file records you should retain, in private business files, documentation of regular meetings or contacts with community leaders or other steps taken to show that the station has made efforts to determine which issues are of importance to the local community. This information will become extremely important if your station's renewal application is challenged on the basis of an alleged failure to identify important community issues and air programming that is responsive to those issues.¹²

¹⁰ Material that should automatically appear in the online public inspection file includes: a copy of the current FCC authorization to operate the station; applications and related materials; contour maps; ownership reports; the station's Mid-Term EEO Report (FCC Form 397); and a copy of the manual *The Public and Broadcasting*. Although this material *should* appear automatically, a station is responsible for ensuring the completeness of its online public inspection file and should therefore check it carefully to confirm all required material is present.

¹¹ Wiley has a client memo that addresses issues/programs requirements in more detail. If you would like a copy, please contact the Wiley attorney who regularly handles your station matters.

¹² If a petition to deny is filed, the Commission will examine whether the renewal applicant has (1) served the public interest, convenience and necessity; (2) committed any serious violations of the FCC's rules or the Communications Act; or (3) committed other violations which, taken together, would constitute a serious pattern of abuse.

Annual EEO Public File Reports

In reviewing your online public inspection file, pay particular attention to the station's EEO Public File Reports, which are required to be prepared and uploaded to the online public inspection file on an annual basis for each 12-month period beginning on the anniversary of the station's license renewal filing date. Ensure that an EEO Public File Report has been uploaded for each year of your license term. The FCC has provided no official form for the EEO Public File Report. Rather, the agency simply requires that each "station employment unit" with five or more full-time employees prepare a document that provides specified information about recruitment activity and supplemental "recruitment initiatives" such as participation in job fairs, internships, *etc.* **Attachment H** provides a template you can use to create the required annual reports.

Biennial Ownership Reports

You should review your Biennial Ownership Reports to confirm that each was timely filed during the license term as required by the FCC's rules. Ownership reporting requirements for commercial and noncommercial stations have been in flux in recent years. The following chronologies will help you verify that your station has been in compliance.

Commercial Stations:

All commercial broadcast licensees were required to file Biennial Ownership Reports on FCC Form 323 by December 1 of odd-numbered years, beginning December 1, 2011. These reports provided data current as of October 1.

- Beginning on November 28, 2017, the FCC temporarily suspended the Biennial Ownership Report requirement while it migrated FCC Form 323 from the CDBS database to the LMS database.
- Subsequently, the deadline for filing 2017 Biennial Ownership Reports using a redesigned form in LMS was extended to March 2, 2018. These reports provided data current as of October 1, 2017.
- All commercial broadcast licensees are now required to file Biennial Ownership Reports in LMS by December 1 of odd-numbered years.

Noncommercial Stations:

- Until 2017, a noncommercial educational station was required to file Biennial Ownership Reports on FCC Form 323-E every two years, on the station's renewal anniversary date or, with the proper notice to the FCC, on the renewal anniversary date of a commonly owned station.
- In 2017, the FCC temporarily suspended the Biennial Ownership Report requirement such that noncommercial stations with February 1, April 1, June 1, August 1, or October 1, 2017 deadlines were not required to file Form 323-E by those deadlines.
- Instead, noncommercial educational licensees were required to file 2017 Biennial Ownership Reports using a redesigned form in LMS by March 2, 2018, with information current as of October 1, 2017.

- Consistent with the deadline for commercial stations, all noncommercial station licensees are now required to file Biennial Ownership Reports in LMS by December 1 of odd-numbered years.

Review your station's Biennial Ownership Report filing history to verify compliance with the requirements set forth above (we can assist you as necessary).

If you have any doubt about the completeness of your online public inspection file, you should address the matter as soon as possible so that corrective steps can be taken prior to filing the renewal application. In the case of Issues/Programs Lists, for example, it is generally possible to supplement any missing information.

SECTION IV: PREPARATION AND FILING OF FORM 396

General Information

As a broadcast renewal applicant, you must file a Broadcast Equal Employment Opportunity Program Report (Form 396) in conjunction with your license renewal application. The Form 396 must be filed in LMS **before** the Form 303-S license renewal application because the license renewal application asks for the file number associated with the as-filed Form 396.

Station Employment Unit

In a market where a licensee owns more than one station (whether radio, television, low power television, Class A television, or a combination of these), the FCC requires that recruitment, outreach, and data-reporting activities be conducted on the basis of a collective “station employment unit” (“SEU”). Each station in the SEU should be listed on the Form 396. Although you need file *only one* Form 396 for all stations in the SEU, you must file a separate Form 303-S license renewal application for each station in the SEU. If your SEU has fewer than five full-time employees, you are exempt from most of the FCC’s EEO recruitment requirements, including the preparation and submission of EEO Public File Reports.

Discrimination Complaints

In the “Program Report Questions” section of the form, a station must report “any pending or resolved complaints filed during this license term ... alleging unlawful discrimination in the employment practices” of any station in the SEU. If your station has not been the subject of any such complaints since your last license renewal, answer “no.” Otherwise, answer “yes” and attach an exhibit briefly describing the nature of any complaint, the court or agency where it was filed (including any file or docket number), the date of the complaint, and the current status of the matter. You must report the resolution of any complaint, whether it was resolved against the station, resolved in favor of the station, or was settled.

If the station has changed hands since the last renewal, the current licensee is generally not responsible for EEO complaints filed against the previous licensee—but if you are aware of such complaints, the FCC staff advises that you should report them and note that they were directed at the prior owner of the station.

Annual EEO Public File Reports

Under the FCC’s EEO rules, every SEU with five or more full-time employees must prepare an EEO Public File Report on an annual basis for each 12-month period beginning on the anniversary of the stations’ license renewal filing date. Stations must attach the SEU’s two most recent “EEO Public File Reports” to the Form 396. For example, a broadcaster who faces a June 1, 2019 renewal filing must attach EEO Public File Reports covering (1) the period from June 1, 2017 through May 31, 2018 and (2) the period from June 1, 2018 through May 31, 2019. Stations with five or more full-time employees must also provide a narrative exhibit that describes the SEU’s efforts to “achieve broad and inclusive outreach during the two-year period prior to the filing of this application” and “explain” any “difficulties” that you may have experienced with your outreach activities.

Miscellaneous Matters

SEUs with five or more full-time employees must also provide the name and title of the person at the SEU responsible for directly implementing EEO compliance measures at the stations. In most cases, the responsible person will be the station general manager or human resources director.

Please note that the FCC will critically evaluate Form 396 filings and accompanying paperwork, and has sanctioned stations for deficiencies. In addition, FCC staff likely will conduct spot checks of your website(s) to ensure that the required EEO Public File Report is posted.

* * *

If you have any questions regarding the license renewal application or the renewal process, or concerns about your previous FCC filings or record keeping obligations, please contact the Wiley attorney who regularly handles your station matters.

ATTACHMENT A

**RADIO STATION LICENSE RENEWAL DATES
(JUNE 2019 THROUGH APRIL 2022)**

Note: License Renewal Dates are shown in **bold**; license expiration dates are shown in (parentheses)

<p align="center">June 1, 2019</p> <p align="center">(10/1/19)</p> <p align="center">DC Maryland Virginia West VA</p>	<p align="center">Aug. 1, 2019</p> <p align="center">(12/1/19)</p> <p align="center">N. Carolina S. Carolina</p>	<p align="center">Oct. 1, 2019</p> <p align="center">(2/1/20)</p> <p align="center">Florida Puerto Rico Virgin Islands</p>	<p align="center">Dec. 1, 2019</p> <p align="center">(4/1/20)</p> <p align="center">Alabama Georgia</p>	<p align="center">Feb. 1, 2020</p> <p align="center">(6/1/20)</p> <p align="center">Arkansas Louisiana Mississippi</p>	<p align="center">Apr. 1, 2020</p> <p align="center">(8/1/20)</p> <p align="center">Indiana Kentucky Tennessee</p>
<p align="center">June 1, 2020</p> <p align="center">(10/1/20)</p> <p align="center">Michigan Ohio</p>	<p align="center">Aug. 1, 2020</p> <p align="center">(12/1/20)</p> <p align="center">Illinois Wisconsin</p>	<p align="center">Oct. 1, 2020</p> <p align="center">(2/1/21)</p> <p align="center">Iowa Missouri</p>	<p align="center">Dec. 1, 2020</p> <p align="center">(4/1/21)</p> <p align="center">Colorado Minnesota Montana N. Dakota S. Dakota</p>	<p align="center">Feb. 1, 2021</p> <p align="center">(6/1/21)</p> <p align="center">Kansas Nebraska Oklahoma</p>	<p align="center">Apr. 1, 2021</p> <p align="center">(8/1/21)</p> <p align="center">Texas</p>
<p align="center">June 1, 2021</p> <p align="center">(10/1/21)</p> <p align="center">Arizona Idaho Nevada New Mexico Utah Wyoming</p>	<p align="center">Aug. 1, 2021</p> <p align="center">(12/1/21)</p> <p align="center">California</p>	<p align="center">Oct. 1, 2021</p> <p align="center">(2/1/22)</p> <p align="center">Alaska Guam Hawaii Oregon Samoa Washington</p>	<p align="center">Dec. 1, 2021</p> <p align="center">(4/1/22)</p> <p align="center">Connecticut Maine Massachus'ts N. Hampshire Rhode Island Vermont</p>	<p align="center">Feb. 1, 2022</p> <p align="center">(6/1/22)</p> <p align="center">New Jersey New York</p>	<p align="center">Apr. 1, 2022</p> <p align="center">(8/1/22)</p> <p align="center">Delaware Pennsylv'a</p>

ATTACHMENT B

POST-FILING ANNOUNCEMENT TEXT FOR FULL POWER RADIO STATIONS

On _____ [date of last renewal grant/or, for new stations licensed for less than eight years, the date of initial license grant], _____ [station's call letters] was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until _____ [license expiration date].

Our license will expire on _____ [license expiration date]. We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection at www.fcc.gov. It contains information concerning this station's performance during the last _____ ["eight years"/or shorter period of time covered by this application for new stations licensed within the previous eight years].

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by _____ [date of first day of last full calendar month prior to the month of license expiration].

Further information concerning the FCC's broadcast license renewal process is available at _____ [station address] or may be obtained from the FCC, Washington, DC 20554, www.fcc.gov.

ATTACHMENT C

CERTIFICATION CONCERNING POST-FILING ANNOUNCEMENTS FOR FULL POWER RADIO STATIONS

The required post-filing announcements concerning the filing of its license renewal application, as set forth in the attached text, twice a month for three months on the following dates and times:

Date	Time

Licensee: _____

By: _____

Title: _____

NOTE: Executed certificate to be upload to the online public inspection file no later than 7 days after latest air date set forth above. A copy of the text of the post-filing announcements should be attached to this certification.

ATTACHMENT D

PUBLIC NOTICE TEXT FOR FM TRANSLATOR STATIONS

_____ [Name of Applicant] hereby gives public notice that on _____ [date of license renewal application filing], it filed an application with the Federal Communications Commission seeking to renew its license to operate FM translator station _____ [call sign], which is located at _____ [address or geographic description of transmitter location] and serves

_____ [name of community or area]. The station operates on channel _____ at a power of _____.

The station engages in the rebroadcasting of station(s) _____ [call sign, location and channel of each primary station being rebroadcast].

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the Commission by _____ [three calendar months from date on which application was filed].

Further information concerning the FCC's broadcast license renewal process may be obtained from the FCC, Washington, D.C. 20554, www.fcc.gov.

ATTACHMENT E

PUBLIC NOTICE CERTIFICATION FOR FM TRANSLATOR STATIONS

The undersigned hereby certifies that station

_____ [call sign, city of license, state], licensed to
_____ [name of licensee] published the attached
public notice in _____ [name of newspaper] on
_____ [date].

Licensee: _____

By: _____

Title: _____

NOTE: Executed certificate to be uploaded to the online public inspection file of the primary station immediately after publication. A copy of the notice should be attached to this certification.

ATTACHMENT F

FCC FORM 2100/SCHEDULE 303-S (WITH INSTRUCTIONS)



(DRAFT COPY - Not for submission)

Approved by OMB (Office of Management and Budget) | OMB Control Number 3060-0110

Renewal of License

File Number: [REDACTED] | Submit Date: [REDACTED] | Call Sign: [REDACTED] | Facility ID: [REDACTED] | FRN: [REDACTED] | State: [REDACTED]
[REDACTED] | City: [REDACTED]
Service: [REDACTED] | Purpose: **Renewal of License** | Status: **Saved** | Status Date: [REDACTED] | Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	No

Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule(s)?	
	Total number of rule sections involved in this waiver request:	

**Applicant
Information**

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Contact
Representatives
(2)**

Contact Name	Address	Phone	Email	Contact Type
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Renewal
Certification**

Section	Question	Response
Character Issues	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, 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;	
	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, any pending broadcast application in which character issues have been raised..	
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 any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	
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.	
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.	
Non-Discriminatory Advertising Sales Agreements (For Commercial AM and FM applicants only)	Commercial licensee certifies that its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain non-discrimination clauses. Noncommercial licensees should select "not applicable."	

**AM/FM/LPFM
Certification**

Section	Question	Response
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. Sections 73.3615 and 74.797.	
EEO Program	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).	File Number:
	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).	
Online Public Inspection File	Licensee certifies that the documentation required by 47 C.F.R. Section 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file as and when required.	
Adherence to Minimum Operating Schedule	Licensee certifies that, during the preceding license term, the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days.	
Silent Station	Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public.	
Discontinued Operations	Licensee certifies that during the preceding license term, the station has not been silent for any consecutive 12-month period.	
Environmental Effects	Licensee certifies that the specified facility complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments.	

**Other BroadCast
Stations**

Section	Question	Response
Other BroadCast Stations	Does this application include one or more FM translator station(s) or TV translator station(s) or LPTV station(s), in addition to the station listed at the top of this section?	

**FM Translator
Certifications**

You have not selected any Other Broadcast Station.

Certification

Section	Question	Response
<p>General Certification Statements</p>	<p>The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).</p>	
	<p>The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p>	
<p>Authorized Party to Sign</p>	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	<p>I certify that this application includes all required and relevant attachments.</p>	
	<p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p>	

Attachments

Information not provided.

INSTRUCTIONS - FORM 2100, SCHEDULE 303-S – RENEWAL OF BROADCAST STATION LICENSE

The following Instructions track the Renewal of Radio Broadcast Station License Applications in LMS:

GENERAL INSTRUCTIONS

Introduction. Form 2100, Schedule 303-S (Schedule 303-S) 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 used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary AM, FM, TV or LPTV station.

FCC Rules. Schedule 303-S and these instructions make many references to the FCC's rules. Applicants should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (CFR):

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
- (4) Part 73 "Radio Broadcast Services"
- (5) Part 74 "Experimental Radio, Auxiliary, Special Broadcast, and Other Program Distributional Services"

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

Electronic Filing of Applications. Electronic filing of Schedule 303-S is mandatory. See <https://enterpriseefiling.fcc.gov/dataentry/login.html>. Similarly, any amendment to a pending Schedule 303-S must be filed electronically. The amendment should contain the following information to identify the associated application:

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

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

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

Applicants should provide all information requested by this application. No section may be omitted. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be dismissed.** Inadvertently accepted applications are also subject to dismissal.

All previous editions obsolete.

Form 2100, Schedule 303-S Instructions
March 2019

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

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

This application is presented primarily in a "Yes/No" certification format. Certain responses will require an explanatory attachment. Where an attachment is required, a yellow notice box will open with an appropriate notification, such as "Please **upload** the required information which includes an attachment explaining the circumstances." The notification will include a hyperlink (in this example, the word "upload"). Clicking on the hyperlink will take you to the Attachments page. From the Attachments page you can designate an attachment type from the pull-down menu, select the appropriate file to upload (in .pdf, .doc, .txt, or .xls format), and upload the file to attach it to your application.

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 explanatory attachment is submitted.

License Term. Except as specifically noted to the contrary in Schedule 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 term pursuant to a "long-form" application on FCC Form 314 or 315 (or any successor application forms that the Commission releases), the renewal applicant's certifications should cover only the period during which the renewal applicant held the station's license.

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

Parties to the Application. Except as specifically indicated below, as used in this application, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will

confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. Applicants should review the Commission's multiple ownership attribution policies and standards, which are set forth in the Notes to 47 CFR § 73.3555.

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

The interest holder may, however, exceed the 33 percent threshold without triggering attribution where such investment would enable an eligible entity to acquire a broadcast station provided that: (1) the combined equity and debt of the interest holder in the eligible entity is less than 50 percent, or (2) the total debt of the interest holder in the eligible entity does not exceed 80 percent of the asset value of the station being acquired by the eligible entity and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the eligible entity or any related entity. See *Promoting Diversification of Ownership in the Broadcasting Services*, 23 FCC Red 5922, 5936, para. 31 (2008); *2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Second Report and Order, 31 FCC Red 9864, 9976-84, paras. 271-86 (2016) (2014 Quadrennial Review Order).

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

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

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

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

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

(2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;

(3) restricts any exempted limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;

(4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;

(5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;

(6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and

(7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

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

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

CORPORATE APPLICANT: Each officer, director and owner of stock accounting for 5 percent or more of the issued and outstanding voting stock of the applicant is considered a party to the applicant. Where the 5 percent stock owner is itself a corporation, each of its stockholders, directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application unless the applicant submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the station. In this statement, the applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application only if that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5 percent or more of the

issued and outstanding voting stock of the applicant. For example, where Corporation X owns stock accounting for 25 percent of the applicant's votes, only Corporation X shareholders holding 20 percent or more of the issued and outstanding voting stock of Corporation X have a 5 percent or more indirect interest in the applicant (.25 x .20 = .05) and, therefore, are considered parties to this application. In applying the multiplier in this context, any entity holding more than 50 percent of its subsidiary will be considered a 100 percent owner. Where the 5 percent stock owner is a partnership, each general partner and any limited partner that is non-insulated, regardless of the partnership interest, is considered a party to the application.

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

An investment company, insurance company or trust department of a bank is not considered a party to this application, and an applicant may properly certify that such entity's interest is non-attributable, if its aggregated holding accounts for less than 20 percent of the outstanding votes in the applicant and if:

- (1) such entity exercises no influence or control over the corporation, directly or indirectly; and
- (2) such entity has no representatives among the officers and directors of the corporation.

ANY OTHER APPLICANT: Each executive officer, member of the governing board and owner or holder of 5 percent or more of the votes in the applicant is considered a party to the applicant.

GENERAL INFORMATION

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

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

FEES, WAIVERS, AND EXEMPTIONS

Fees: The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking to renew the license for a commercial AM, FM, TV, Class A TV, FM translator, TV translator or Low Power TV station are required to submit a fee with the filing of Schedule 303-S. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempted from this fee are licensees of full-service noncommercial educational radio and TV broadcast stations, and Low Power FM stations, **provided** that the proposed facility will be operated noncommercially. (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

CFR § 73.503 or § 73.621, and that continue to operate those stations on a noncommercial basis, are similarly exempted from this fee. See 47 CFR § 1.1116.

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

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

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

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

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

Waivers: If any waiver of the Commission's rules is requested at any part of the application, select "Yes" to this question. If selecting "Yes," complete the box that opens by stating the number of rule sections for which you request waiver. You must then submit an attachment setting forth the waiver(s) sought and the legal justification for waiver, by clicking the "upload" hyperlink in the notification box that opens, and selecting and uploading the explanatory attachment.

APPLICANT INFORMATION

Applicant Name and Type: Select the Applicant Type (e.g., Individual, Unincorporated Association, Trust, Government Entity, etc.) from the drop-down menu. In the box below the drop-down menu, enter the exact legal name of the applicant or applicant entity. The name of the applicant must be stated exactly in this item. If the applicant is a corporation, the applicant should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

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

CONTACT REPRESENTATIVES

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

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

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

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

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

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

RENEWAL CERTIFICATIONS

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

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

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

Adverse Findings: In responding to the Adverse Findings question, the applicant should consider any relevant adverse finding. Where that adverse finding was fully disclosed to the Commission in an application filed on

behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the applicant may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

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

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 of 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 application 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.

Alien Ownership and Control. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit or station license to an alien, a representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20 percent of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25 percent of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or another entity organized under the laws of a foreign country. Any such applicant seeking Commission consent to exceed this 25 percent benchmark in Section 310(b)(4) of the Act must do so by filing a petition for declaratory ruling pursuant to 47 CFR §§ 1.5000-04. For more detailed information on identifying and calculating foreign interests, see *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, 31 FCC Red 11272, paras. 44-77 (2016).

Non-Discriminatory Advertising Sales Agreements. Applicants for renewal of commercial stations are required to complete the certification that their advertising agreements do not discriminate on the basis of race or ethnicity and that all such agreements contain nondiscrimination clauses. *See Promoting Diversification of Ownership in the Broadcasting Services*, 23 FCC Rcd 5922, 5941-42, para. 50 (2008); *see also Third Erratum*, 75 FR 27199 (May 14, 2010). Prohibited discriminatory practices include “no urban/no Spanish” dictates. Broadcasters must have a reasonable basis for making this certification. If the response to Item 7 is “No,” the applicant must attach an exhibit explaining the persons and matters involved and why the matter is not an impediment to a grant of this application. Applicants for renewal of noncommercial stations should answer “not applicable.”

AM/FM/LPFM CERTIFICATIONS:

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 CFR § 73.3615. Each licensee of a commercial AM, FM, or TV broadcast station shall file an Ownership Report on FCC Form 323 (commercial) every two years. The Ownership Report must be filed by December 1 in all odd-numbered years. *See* 47 CFR § 73.3615(a). Each licensee of a noncommercial educational AM, FM, or TV broadcast station shall file an Ownership Report on FCC Form 323-E (noncommercial) every two years. The Ownership Report must be filed by December 1 in all odd-numbered years. *See* 47 CFR § 73.3615(d).

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 or sex. *See* 47 CFR § 73.2080. All AM, FM, and TV broadcast stations must file Form 2100, Schedule 396 – Broadcast EEO Program Report, with their license renewal applications. Pursuant to these rule requirements, a license renewal applicant who employs five or more full-time employees in its station employment unit must maintain an EEO recruitment program in addition to ensuring that equal employment opportunity is afforded to all full-time applicants and employees without discrimination. An “employment unit” is a station, or a group of commonly owned stations in the same market that share at least one employee. If an applicant employs fewer than five full-time employees in its station employment unit as of the date of filing Schedule 396, it does not need to maintain an EEO recruitment program but still must refrain from discrimination in its hiring and employment practices. An applicant employing fewer than five full-time employees in its station employment unit need only respond “Yes” to the station employment unit question under “Full-time Employees,” complete the Certification of Schedule 396, and must then file Schedule 396 with the renewal application.

The licensee must first certify that the Broadcast EEO Program Report (Form 2100, Schedule 396) has been filed with the Commission, pursuant to 47 CFR § 73.2080(f)(1). Schedule 396 must be filed before Schedule 303-S; when Schedule 396 is filed, you will receive a File Number for that Schedule from LMS. When certifying “Yes” to this item, enter the Schedule 396 File Number in the text box that appears below the item.

Additionally, for employment units employing five or more full-time employees, each licensee must place in the station’s public inspection file annually, and post on the station’s website, a Broadcast EEO Public File Report containing (1) a list of 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 Section 73.2080 (c)(1)(ii), 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. Certify that the Broadcast EEO Public File Report has been posted on the station's Website by selecting "Yes" to this item.

Online Public Inspection File. Commercial and noncommercial educational AM and FM licensees must upload certain documents pertaining to each station in an online public inspection file hosted by the FCC at <https://publicfiles.fcc.gov>. 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; quarterly lists of the community issues most significantly addressed by the station's programming during the preceding three months; and the station's political file as specified in 47 CFR § 73.1943. A complete listing of the required documents and their mandatory retention periods is set forth in 47 CFR §§ 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 list the steps taken to reconstruct missing information, as well as the procedures adopted to prevent such problems in the future.

Adherence to Minimum Operating Schedule. This question requires the applicant to certify that the station has not been silent, or operating for less than its prescribed minimum operating hours, for any period of more than 30 days. Commercial broadcast stations are required to operate not less than the minimum operating hours set forth in 47 CFR § 73.1740. Noncommercial educational FM stations are required to operate not less than the minimum operating hours set forth in 47 CFR § 73.561. Low Power FM stations are required to operate not less than the minimum operating hours set forth in 47 CFR § 73.850. Noncommercial educational AM stations are not required to operate on a regular schedule and no minimum hours of operation are specified, but the hours of actual operation during a license period shall be taken into consideration in the renewal of an NCE AM licensee. *See* 47 CFR § 73.1745(b).

In the event that causes beyond the control of a licensee make it impossible to adhere to its minimum operating schedule or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC no later than the 10th day of limited or discontinued operation. *See* 47 CFR §§ 73.1740(a)(4), 73.561(d). Special Temporary Authority must be requested for periods of silence, or of operation not in accordance with the station license, that are not corrected within 30 days. *See* <https://www.fcc.gov/media/radio/special-temporary-authority>.

An applicant whose station was silent or broadcasting for less than the prescribed minimum hours for any period of more than 30 days in the preceding license term must submit an exhibit specifying the exact dates on which the station was silent or operating at less than its prescribed minimum operating schedule.

Note: "Broadcasting" means "the dissemination of radio communications intended to be received by the public." 47 U.S.C. § 153(6). Accordingly, the transmission of "test signals" does not count toward a station's minimum operating hours. *See A-O Broadcasting Corp.*, 23 FCC Rcd 603, 609 (2008) (finding that test signals, even if audible to the public, are not broadcast signals).

Silent Station. The Commission will not renew the license of a station that is not broadcasting. *See Birch Broadcasting Corporation*, 16 FCC Rcd 5015 (2001); 47 U.S.C. § 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: (i) 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. *See* 47 CFR § 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.

(ii) A noncommercial AM or TV broadcast station does not have specified minimum hours of operation, but the hours of actual operation in a license period shall be taken into account in the analysis of its license renewal application. See 47 CFR § 73.1740 (b).

(iii) Any other type of AM or FM 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 shall be taken into consideration in the renewal of the station’s license. See 47 U.S.C. § 309(k); *Radioactive, LLC*, 32 FCC Red 6392 (2017).

Discontinued Operation. Section 312(g) of the Communications Act of 1934, 47 U.S.C. § 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 the discretion to reinstate a broadcast license that has expired pursuant to Section 312(g) to promote “equity and fairness,” but has exercised that statutory discretion only when the failure to timely resume broadcasts was for a compelling reason beyond the licensee’s control. A station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. See *Eagle Broadcasting Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009). 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, it should answer the question “No” and provide an explanatory exhibit.

Environmental Effects. This question requires the applicant to state whether grant of renewal of license for the specified facility would be an action that may have a significant environmental effect under 47 CFR § 1.1306.

The National Environmental Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision-making. Since January 1, 1986, applications for new broadcast stations, modifications of existing stations, and license renewals must contain either an environmental assessment that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See 47 CFR § 1.1307(b). In this regard, applicants are required to look at eight environmental factors. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public and workers from potentially harmful radiofrequency (RF) electromagnetic fields. In addition, if the applicant proposes a new tower that will exceed 450 feet in height, it must submit an Environmental Assessment as described below. Worksheet # XX includes both a general environmental evaluation and specific sub-sections for RF exposure analysis. Click the “Worksheets” link in the application to access this worksheet. These worksheets are designed to facilitate and substantiate the certification called for in Schedule 302. Their use is voluntary, but strongly encouraged.

RF Exposure Requirements. In 1996, the Commission adopted new guidelines and procedures for evaluating environmental effects of RF emissions. All applications subject to environmental processing filed on or after

October 15, 1997, must demonstrate compliance with the new requirements. These new guidelines incorporate two tiers of exposure limits:

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

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

Worksheets ## XX and XX will enable certain categories of stations to determine whether or the proposed facility will have a significant environmental impact as defined by Section 1.1307. All applicants can use the General Environmental worksheet. Some, but not all, stations will be able to use the RF worksheet. Generally, the RF worksheet can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, in order to be eligible to use the RF worksheet, access to AM stations must be restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs must be posted at appropriate intervals describing the potential for RF exposure. Click the "Worksheets" link in the application 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 attachment to the application that explains why the proposed facility does not exceed the RF radiation exposure guidelines at locations where humans are likely to be present, or describing measures or circumstances which will prevent or discourage humans from entering those areas where the RF exposure exceeds the guidelines (e.g., fencing or remote location). The guidelines are explained in more detail in OET Bulletin 65.

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

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

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

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

OTHER BROADCAST STATIONS

Other Broadcast Stations. The renewal application permits the joint renewal of license for an FM translator station or TV translator station and its co-owned AM, FM, TV or LPTV station. This question asks if the renewal application includes one or more FM translator station(s), or TV translator station(s), or LPTV station(s), in addition to the station(s) listed at the top of this section. Select "Yes" or "No" as appropriate.

If you select "Yes" to this question, a list will open labeled "Available Stations." This list will include all FM translator stations linked to the FRN used for this application. Click on "Call Sign," "Facility ID," "Frequency," "Service," "City," or "State" at the top of the list to sort the list by those attributes (clicking a second time will toggle between sorting in ascending or descending order).

Select the FM translator station(s) that you wish to renew in this application by clicking on those station(s) in the list. To select all stations, click the "All" box at the top of the list. The station(s) selected will appear in the list to the right of the "Available Stations" list, labeled "Selected Stations," which may be sorted by call sign. To remove any station(s) erroneously added to the "Selected Stations" list, click on the station(s) you wish to remove and then click the "Remove" button at the top of the list.

When the "Selected Stations" list includes all FM translator stations that you wish to renew in this application, click the "Save & Continue" button at the bottom of the screen to continue to the FM Translator Certifications section.

FM TRANSLATOR CERTIFICATIONS

Silent Station, Rebroadcast Status, Rebroadcast Consent, Licensee Compliance, and Environmental Effects questions are displayed for each FM Translator included in this Renewal Application.

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 CFR § 74.784 or § 74.1251.

Silent Station. This question requires a licensee to certify that the FM translator station is on the air. A FM translator station is expected to provide a dependable service, to the extent that such service is within its control and to avoid unwarranted interruptions to the service provided. *See* 47 CFR §§ 74.763 and 74.1263. The licensee of a FM translator must notify the Commission of its intent to discontinue operations for 30 or more consecutive days. Notification must be made within 10 days of the time the station first discontinues operation and Commission approval must be obtained for such discontinued operation to continue beyond the 30 days.

Rebroadcast Status. FM translator licensees that rebroadcast a primary station should respond “Yes” and identify the station(s) being rebroadcast. Identify the station being rebroadcast by entering its Facility ID Number in the “Facility ID:” field that opens on selecting the “Yes” radio button, and then by clicking the “Add Station” button. This will populate the table below with the station information. Radio Facility ID Numbers can be obtained at the FCC's Licensing and Management System (LMS) Search Page at <https://enterpriseefiling.fcc.gov/dataentry/public/tv/publicFacilitySearch.html> or by calling (202) 418-2700.

Rebroadcast Consent. This question requires an FM translator licensee to certify that it has obtained written authority from the licensee of the primary station (identified above) for retransmitting the primary station's programming. When the primary station is co-owned, the applicant also should answer “Yes” to this question.

Licensee Compliance. The provisions of 47 CFR § 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 FM primary station) will not be granted to the licensee or permittee of the primary commercial FM radio broadcast station, or to any person or entity having an interest or connection with the primary commercial FM radio broadcast 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.

The Commission adopted rules in MB Docket No. 07-172 that allow AM stations to use FM translator stations to rebroadcast the AM signal locally, retransmitting their AM programming as a fill-in service. The cross-service translating rules limit FM translators to providing fill-in service only, specifically within the primary AM station's authorized service area. *See Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, 24 FCC 2d 9642 (2009), as modified by *Revitalization of the AM Radio Service*, 30 FCC Red 12145, 12150-54 (2015) and 32 FCC Red 1724 (2017). The rules limit cross-service translators to providing fill-in service within an AM station's authorized service area. Specifically, the provisions of 47 CFR §§ 74.1232(d) and 74.1201(g) provide that the entire 60 dB μ contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of the 2 mV/m daytime contour of the AM primary station, and a 25-mile (40 km) radius centered at the AM station's transmitter site.

The provisions of 47 CFR § 74.1232(e) provide that an authorization for an “other area” FM translator station (i.e., FM translator 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 an 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. Since the primary station financial support and technical assistance prohibition of Section 74.1232(e) does not apply to “fill-in” FM translators, applicants proposing to rebroadcast the signal of an AM primary station should mark “N/A” to this question.

Environmental Effects. This question requires that the applicant certify that the FM translator station complies with the Commission’s maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments. In the event there has been no material change in a translator’s RF environment since the station last received a grant of a license application or a license renewal application, the licensee may certify its compliance with RF exposure limits based on the information submitted with such application. In the event that there has been a material change in the translator’s RF environment since such application was granted, the licensee should follow the instructions below.

Note: Licensees are reminded that the Commission retains the authority to revoke any station or translator 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. § 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 2100, Schedule 301 Instructions, “Environmental Effects” section.

The National Environmental Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision-making. Since January 1, 1986, applications for new broadcast stations, modifications of existing stations, and license renewals must contain either an environmental assessment that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See 47 CFR § 1.1307(b). In this regard, applicants are required to look at eight environmental factors. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public and workers from potentially harmful radiofrequency (RF) electromagnetic fields. In addition, if the applicant proposes a new tower that will exceed 450 feet in height, it must submit an Environmental Assessment as described below. Worksheet # XX includes both a general environmental evaluation and specific sub-sections for RF exposure analysis. Click the “Worksheets” link in the application to access this worksheet. These worksheets are designed to facilitate and substantiate the certification called for in Schedule 302. Their use is voluntary, but strongly encouraged.

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

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

where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above the general populations/uncontrolled limits as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or some other appropriate means.

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

Worksheets ## XX and XX will enable certain categories of stations to determine whether or the proposed facility will have a significant environmental impact as defined by Section 1.1307. All applicants can use the General Environmental worksheet. Some, but not all, stations will be able to use the RF worksheet. Generally, the RF worksheet can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, in order to be eligible to use the RF worksheet, access to AM stations must be restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs must be posted at appropriate intervals describing the potential for RF exposure. Click the "Worksheets" link in the application 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 attachment to the application that explains why the proposed facility does not exceed the RF radiation exposure guidelines at locations where humans are likely to be present, or describing measures or circumstances which will prevent or discourage humans from entering those areas where the RF exposure exceeds the guidelines (e.g., fencing or remote location). The guidelines are explained in more detail in OET Bulletin 65.

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

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

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

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

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

CERTIFICATION

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

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

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

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

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

Authorized Party to Sign: The applicant must electronically sign the application. Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed

by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. *See* 47 CFR § 73.3513. The electronic signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Red 23056, 23,064 (1998), ¶ 17.

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

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

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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 1.25 to 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 burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0110), 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 3060-0110.

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

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. § 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. § 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

ONLINE PUBLIC INSPECTION FILES - A PRIMER FOR RADIO STATIONS

This primer is designed to help licensees of commercial and noncommercial radio stations comply with the Federal Communications Commission’s (FCC) online public file requirement.¹³ As of December 24, 2016, commercial stations located in the top 50 Nielsen markets that employed five (5) or more full time employees were required to upload most of the existing contents of their public files to the FCC’s online system. As of March 1, 2018, all other commercial and non-commercial radio stations were required to place new material in, and have transitioned their existing public file material to, the online database—except for political file material, which is only required to be uploaded to the online public file on a going-forward basis.

As a preliminary matter, we strongly recommend that every radio station conduct an annual inventory of its OPIF to ensure that it is current and complete. If the inventory discloses missing or incomplete documents, steps should be taken promptly to bring the file into full compliance with the FCC’s rules. Please feel free to call us if you need help.

To assist you in complying with the online public file requirements, this primer addresses the following key topics:

- I. **Location and Access to *Radio Station Profiles and Public Inspection Files***
- II. **Adding and Removing Documents from Online Public Inspection Files**
- III. **Paper Files – Access and Copies**
- IV. **Public File Contents and Retention Periods – A Recap**

I. **LOCATION AND ACCESS TO RADIO STATION PROFILES AND PUBLIC INSPECTION FILES**

All online public inspection files reside on the FCC’s website. The FCC has created an online public inspection file for every radio station in the country. The method for accessing the file depends on whether the visitor is a member of the general public desiring to review the file, or a licensee or station employee responsible for maintaining the file.

Public Access. The general public can access the public file of any radio station at <https://publicfiles.fcc.gov/> using the call sign or facility ID number of the station. Visitors may browse through the contents of the file simply by clicking on icons that represent the sections of the public file, such as “Authorizations,” “Ownership Reports,” “Issues and Programs Lists,” etc. Each online file also displays a station *profile page* that provides the name and address of the licensee as well as a link to the station’s license.

NOTE: If your station has a website, you are required to place a link to your OPIF on your home page. In addition, you must include on your website contact information for a station

¹³ The Public Inspection File rules for commercial and noncommercial radio stations are set forth in Sections 73.3526 and 73.3527 of the Commission’s rule, respectively.

employee who can assist any person with disabilities with issues related to the contents of the OPIF.

Broadcaster Access. Station personnel can access their OPIF at <https://publicfiles.fcc.gov/> and clicking the “Sign In” tab in the upper right corner of the page. In order to sign into a station’s OPIF and have editing rights, you must use the station’s *facility ID number* and a *secure passcode* generated by the FCC.

A station’s passcode may be located at <https://publicfiles.fcc.gov/admin/owner-login> by entering the FRN (FCC Registration Number) and FRN password associated with the particular station. All stations associated with the same FRN will appear on the same page.

NOTE: It is vitally important that passwords remain secure, since the FRN/password is used to file FCC applications and reports, and to pay every fee owed to the FCC. Changing a password without notice to those who may need to use it could result in missing a filing window or a payment deadline, resulting in serious consequences. For this reason, most licensees designate counsel or someone in management to act as FRN administrator. In that case, you will need to obtain your passcode from the FRN administrator in order to access your online public file. The FRN administrator can also change a station’s passcode, as needed, such as following a change in personnel or if the passcode is lost.

II. ADDING AND REMOVING DOCUMENTS FROM ONLINE PUBLIC INSPECTION FILES

With a few exceptions, as described in the next section, the OPIF must contain all the documentation formerly located in the paper public inspection file located at the main studio. Some of the content in the OPIF is uploaded automatically by the FCC. The remainder must be uploaded by the licensee. **Attachment A** to this Primer is a chart that summarizes what documents upload automatically and those that stations are responsible for uploading themselves, as well as those that must remain in the paper public file.

FCC-imported Files. Much of the required documentation in the OPIF consists of applications and reports that are filed electronically with the FCC, including applications for construction permits, licenses and license renewals, ownership reports, and other documents, as shown in **Attachment A**. All documents filed electronically with the FCC import automatically to the station’s OPIF.

Station-uploaded Files. Stations are responsible for uploading documentation and information that is not filed electronically with the FCC, such as issues and programs lists and annual EEO public file reports. The FCC has designed the online files to accept uploads using standard upload methods as well as “drag and drop.”

Ongoing File Maintenance. Although the FCC imports certain documents into the file automatically, every station is ultimately responsible for ensuring the accuracy and completeness of its OPIF. You will need to screen the contents of the file to determine which documents should remain and which may be removed. For example, only a station’s most recent ownership report needs to be in the file. Similarly, an application for a construction permit need only remain in the file while it is pending. Once granted, it may be removed.

Removing a File Added by the FCC. The mechanics for removing a document from the file are simple. Next to each item in the file is an “in/out” toggle button. The FCC’s default is set to “in.”

To remove a document from the file, slide the toggle to “out.” When the status shows “out,” the document is no longer viewable by the public visiting the file through the public access portal. Remember, however, that FCC-imported documents such as applications and reports filed directly with the FCC are available to the public via the FCC’s Consolidated Database System (CDBS) or the Licensing and Management System (LMS), located elsewhere on the FCC’s website.

III. PAPER FILES – ACCESS AND COPIES

For the most part, stations do not need to be able to recreate the documents uploaded to the OPIF, as the FCC’s system has been designed to provide redundancy. Because of the time sensitive nature of political file information, however, stations must have political information available for inspection in the event of some failure of the online system. Thus, political back-up documents should be kept in the station’s internal records in case they are needed. As noted above, stations are only required to upload political advertising material on a going-forward basis.

Political Advertising Files. Beginning June 24, 2016, stations located in markets 1-50 (as determined by Nielsen) that employed five (5) or more full-time employees, were required to place *new* political file material in the online public file. These stations are not required to upload any pre-June 24 content from the station’s political file to the online file.¹⁴ All other radio stations were required to post all new political file material online beginning March 1, 2018. Pre-March 1 material must be maintained in the station’s paper public file until the two-year retention period expires.

FCC Form 302-AM. The FCC Form 302-AM (Application for AM License) may only be filed on paper with the Commission. For this reason, the FCC will allow AM stations the option of either uploading this form to the OPIF or keeping a paper copy of this filing in the station’s paper public file.

Access and Copies. You must continue to honor requests to see those documents that remain in the paper public file at any time during your station’s regular business hours (e.g., 9:00 a.m. to 5:00 p.m.), including during lunchtime.¹⁵ No advance appointment may be required of any person asking to inspect the file during normal business hours. Every effort should be made to make access to the file prompt and easy. Keep in mind the requirements of the Americans with Disabilities Act when choosing the location for public file inspections. Avoid keeping the file locked in the general manager’s office unless someone is able to access the file during the business day when s/he is not present.

Political file documents kept in the paper file may be maintained electronically, so long as a computer terminal is made available to members of the public who wish to review the file. An employee of the station should supervise the file review, but employees should not in any way interfere with the inspection. Visitors should not be allowed to remove any parts of the file, even temporarily. If reproduction involves taking documents out, this task should be performed by a station employee.

¹⁴ The two-year retention period for pre-June 24, 2016 material has expired.

¹⁵ If a visitor asks to see any portion of the public file that is available online, the station should direct the visitor to the FCC’s website or to the link on the station’s website for that information.

Copies of materials in the public file must be made available upon request by any member of the public, provided the individual agrees to pay the reasonable costs of reproduction (in advance, if requested). The station must fulfill a request for copies within seven (7) days after payment has been received.¹⁶ (The rules do not require you to fax copies of documents in the file.)

IV. CONTENTS OF THE PUBLIC FILE AND RETENTION PERIODS – A RECAP

Organization of the Online File. Online public files are organized in much the same fashion as paper files should have been. Tabs are labeled with each of the categories of documents to be retained, such as Authorizations, Applications, Ownership Reports, Issues-Programs Lists, Contour Map, etc. In the case of the Political File, the FCC has created subfolders for federal, state, and local races, and within each subfolder there is a separate file for each candidate.

Each category of required documentation is described below, along with its retention period. Remember, in certain categories, the FCC has uploaded more documents in the file than are required. These may be removed by sliding the tab next to the document from “in” to “out.”

Refer to **Attachment A** for a quick review of whether the documents in each category will be imported by the FCC, must be uploaded by the licensee, or should be retained in the paper public file.

73.3526(e)(1) & 73.3527(e)(1) Authorizations

This section must contain the station’s license and any current FCC construction permit, as well as any other document reflecting either conditions on, or modifications to, the station’s authorization. It should include, for example, notifications to the FCC regarding reduced power operations, silent periods, or operation with an emergency antenna, as well as any Special Temporary Authority issued by the Commission or Program Test Authority to operate with modified facilities pending grant of a new license.

Retain each authorization until replaced by a new authorization.

73.3526(e)(2) & 73.3527(e)(2) Applications

This section includes pending applications filed with the FCC, including all exhibits, letters and other documents filed as a part of the application or incorporated by reference, and amendments to the application. In rare instances there may be correspondence to and from the FCC pertaining to the application. These documents must be kept with the application in the file. Likewise, for commercial stations, copies of initial and final decisions in related FCC hearings must be retained. And for non-commercial stations, documentation supporting any points claimed in the applications must be retained. In the event of a petition to deny the application, a statement that the petition has been filed, together with the name and address of the filing party, must be filed. Motions and legal pleadings need not be filed.

Retain until final FCC action has been taken, except that applications granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license

¹⁶ Should you decide not to charge for all copies, it is important that you have a uniform policy with respect to copying charges (e.g., orders of 10 pages or less are provided *gratis*) and not leave such decisions to the discretion of the person responding to the request.

renewal applications granted on a short-term basis (and related documents) must be retained until final grant of the next renewal application.

73.3526(e)(3) Citizens Agreements

Commercial stations must place in this section of the OPIF a copy of any written citizens agreement. A citizens agreement is an agreement between a station and one or more citizens or citizen groups. These agreements are fairly unusual.¹⁷ Typically they deal with goals or proposed practices directly or indirectly affecting the operation of the station in the public interest, *i.e.*, programming or employment.

Retain for the term of the agreement, including any renewals and extensions.

73.3526(e)(4) & 73.3527(e)(3) Contour Maps and Location Information

The OPIF contains a contour map for each station generated by a commercial mapping application. Please check to be sure the map available on the “Contour Maps” page is for the correct station. In rare instances, we have seen incorrect contour maps showing, for example, the contour of a translator rather than the main station.

Keep these documents as long as they reflect current information regarding the station.

73.3526(e)(5) & 73.3527(e)(4) FCC Ownership Reports

This section must contain the licensee’s most recent complete ownership report (for the licensee, its parent company(ies) and entities holding attributable interests in the licensee) (FCC Form 323) as filed with the FCC. The ownership report may be either a biennial or post-consummation report, whichever is most current.

Retain until a new, complete Form 323 is filed with the FCC.

This section of the OPIF must also contain either a copy of all of the contracts listed in the ownership report, or a complete list of all such contracts.¹⁸ The list or actual contracts must include:

73.3613(b)(1) Articles of Partnership, Association or Incorporation (include all amendments);

73.3613(b)(2) Corporate By-laws; and

¹⁷ “Citizens agreements” typically date to a period in the 1970s and 1980s when citizens and public interest groups approached broadcast station licensees, typically during the comment period associated with the license renewal process, to discuss concerns about such matters as station programming or employment practices. Occasionally the discussions resulted in the parties signing a formal agreement, which the station was required to keep in the public file.

¹⁸ Since contracts and agreements retained in the public file are often voluminous, the FCC permits licensees merely to maintain a list of the documents in the file. Copies of any such documents must be supplied to requesting parties within seven (7) days; however, a licensee is allowed to redact competitively sensitive information from the copy.

73.3613(b)(3)-(6) Other Contracts Affecting Ownership/Control (e.g., security or credit agreements, voting proxies, etc.).

73.3526(e)(6) & 73.3527(e)(5) Political File

This file must include materials for the general and primary elections for the past two (2) years. It may be helpful to set up sub-files for each candidate that purchases advertising time on the station. The FCC's online file is organized for Federal and State candidates, with subfolders for each race. Sponsorship ID information for non-candidate "issue" ads is placed in a separate folder.

Section 73.1943 requires that material in the Political File be kept as a "complete and orderly record." Records must be inserted "as soon as possible," which the Commission has interpreted to mean "immediately, absent unusual circumstances." The documents called for are:

1. Copies of final orders for time made by or on behalf of candidates for public office.¹⁹ These records should include:
 - a. the name of the candidate;
 - b. the election (*i.e.*, office sought);
 - c. the candidate's authorized committee;
 - d. the committee's treasurer;
 - e. schedule of the time purchased;
 - f. when the spots aired;
 - g. rates charged; and
 - h. classes of time purchased.
2. A listing of any later rebates made to the candidate (since rebates pertain to rates charged).
3. A record of any free time provided by the station for use by or on behalf of any such candidate, including the candidate's name, the election, the candidate's authorized committee, and the time and duration of the candidate's appearance.
4. Copies of records concerning non-candidate or so-called "issue" ads:
 - a. When a station runs a spot (or a program) involving the discussion of a "controversial issue of public importance," or political matter, the political file must contain a record of:

¹⁹ The rules require that a station place copies for "all requests" for broadcast time in the political file. The FCC has clarified that for purposes of the online political file, stations only need to upload a copy of the final order for broadcast time.

- i. the name of the person or organization purchasing the time;
 - ii. the name, address, and phone number of a contact person for such person or organization; and
 - iii. if applicable, a list of the chief executive officers, or members of the executive committee or board of directors, of the organization sponsoring the ad or program.
 - b. Pursuant to the Bipartisan Campaign Reform Act of 2002, whenever *anyone* requests broadcast time to communicate a message relating to any “political matter of national importance,” including: (i) a candidate; (ii) a federal election; or (iii) any “national legislative issue of public importance,” the following information must be placed in political file:
 - i. name of the candidate(s), if any, referred to in the spots;
 - ii. election(s), if any, referred to in the spots;
 - iii. issue(s), if any, referred to in the spots;
 - iv. name of the person purchasing the time;
 - v. name, address, and phone number of a contact person;
 - vi. schedule of the time purchased;
 - vii. when the spots aired;
 - viii. rates charged;
 - ix. classes of time purchased;
 - x. reason for other action or inaction on the time request; and
 - xi. if applicable, a list of the chief executive officers, or members of the executive committee or the board of directors of the organization sponsoring the ad.
5. The FCC suggests that the station’s Political Disclosure Statement be in the political file, along with amendments.

Retain documents for two years from the election to which the materials relate.

73.3526(e)(7) & 73.3527(e)(6) EEO Forms/Reports

This section must include the information required by Section 73.2080, which includes the following material.²⁰

1. EEO Public File Report. This report is prepared annually on the anniversary of the due date of the station’s license renewal application by station employment units with five (5) or more full-time employees. Stations also must post the report on their website, if they have one.

²⁰ Note that EEO documents are generally prepared on the basis of a “station employment unit” (SEU), which typically includes all commonly-owned stations in a local market. However, each station in the SEU must upload copies of these documents in its individual OPIF. Also note that each station must file its own FCC Form 396, with appropriate EEO Public File Reports appended, as part of its license renewal application.

2. Broadcast Equal Employment Opportunity Program Report (FCC Form 396). This report is filed in conjunction with the station's license renewal application. Radio stations in an employment unit with five (5) or more full-time employees must attach EEO Public File Reports for the previous two years.
3. Broadcast Equal Employment Opportunity Model Program Report (FCC Form 396-A). This report is filed with an application for sale of a station or with an application for a new broadcast station.

Keep in the file until final FCC action on the renewal application submitted at the end of the license term during which the reports were filed.

73.3526(e)(8) & 73.3527(e)(7) “The Public and Broadcasting”

The FCC will upload the latest version of the FCC's manual The Public and Broadcasting.

Maintain this publication permanently.

73.3527(e)(9) Donor Lists

Noncommercial stations must retain in this section lists of donors supporting specific programs.

Retain for two years from the date of the specific program supported.

73.3526(e)(10) & 73.3627(e)(11) FCC Investigations/Complaints

Include here all material relating to a matter which is the subject of an FCC investigation, or a complaint to the FCC of which the station has been advised. The FCC will upload the notice it sends to the station. The station must upload its response to the OPIF only if directed to do so in the notice.

Maintain in the file until the station is notified in writing by the FCC that the material may be discarded.

73.3526(e)(12) & 73.3527(e)(8) Issues/Programs Lists

Upload to this section, on a quarterly basis, lists of local community issues and illustrative programs broadcast by the station addressing those issues. The FCC requires that these lists describe programs or program segments (excluding breaking news reports) which reflect the most significant treatment by the station of the local issues which the licensee regards to be of concern to the community.

Retain until “final” FCC action on the renewal application following the license term in which the lists are filed.

73.3526(e)(13) & 73.3527(e)(10) Local Public Notice Announcements

This section must include the documentation required by Section 73.3580(h), which requires that within seven (7) days of airing the last post-filing announcement relating to submission of a license renewal application, a station must upload to the OPIF a certification that the

announcements have aired. The texts of the post-filing announcements must be made a part of these certifications.

Keep in the file until “final” action on the renewal application referenced in the announcements.

73.3526(e)(14) Time Brokerage Agreements

For commercial stations, this section of the file must include a copy of every agreement or contract involving time brokerage of the licensee's station by another station, or time brokerage of another station by the licensee, whether the stations involved are in the same market or in different markets. Confidential or proprietary information may be redacted where appropriate.

Retain in the file as long as the agreement is in force.

73.3526(e)(16) Joint Sales Agreements

Commercial stations must place in this section a copy of any agreement for the joint sale of advertising time involving the station. Confidential or proprietary information may be redacted.

Maintain in the file as long as the agreement is in force.

ADDITIONAL RECORDKEEPING REQUIREMENTS

Posting of Authorizations (Section 73.1230)

The FCC's requirements regarding the posting of station licenses (along with those of auxiliary stations like STLs and remote pickups, and facilities used in conjunction with the station like Operational Fixed Microwaves) have been eliminated.

Maintaining Engineering/Operating Logs (Section 73.1840)

Engineering/operating logs must be retained by stations for a period of two years, but they are not part of the public file.

ATTACHMENT A

Document Type	Documents Retained in the Online File		Documents Retained in Paper File at the Station
	Uploaded by the FCC	Uploaded by the Station	
Authorizations	✓		
Applications	✓		
Citizens Agreements, if any		✓	
Contour Maps and Transmitter Locations	✓		
FCC Ownership Reports and Required Contracts (or a list of those contracts)	✓		
Political File		✓	✓
EEO Form 396	✓		
Annual EEO Public File Reports		✓	
The Public and Broadcasting Manual	✓		
Donor Lists (for non-commercial stations)		✓	
FCC Investigations/ Complaints, if any ²¹	✓	✓	
Issues/Program Lists		✓	
Local Public Notice Announcements (Renewal)		✓	

²¹ The FCC will place in a station's online public inspection file the Letter of Inquiry (LOI) or other FCC-originated correspondence concerning the investigation. The station must place in its online file its response to the LOI along with supporting documentation, unless directed otherwise by the FCC.

Document Type	Documents Retained in the Online File		Documents Retained in Paper File at the Station
	Uploaded by the FCC	Uploaded by the Station	
Time Brokerage Agreements, if any		✓	
Joint Sales Agreements, if any		✓	

Frequently Asked Questions about the Online Public Inspection File

1. Will the FCC send a reminder of deadlines to place material in the public file (i.e., Issues and Program Reports)?

No, the FCC will not send a reminder. Wiley does send its clients a reminder of quarterly report deadlines. If you would like to be added to our reminder list, send an email to: WileyRein-Reminder@wileyrein.com with the person's full name and email address.

2. What file formats will the Online Public File accept?

You can upload documents in all standard formats – Word, Excel and PDF.

3. If multiple stations are included on a consolidated EEO Report, do we have to upload a copy of the report to each station's public file?

Yes. Each station has its own online public file. A copy of the annual EEO Report should be uploaded to the online public file of station.

4. Will the FCC remove applications that no longer should be retained in the online public file?

No. The FCC will not remove material from the portions of the public file it maintains. In fact, when the FCC creates those sections, it will place too much information in the public file. For example, it will place copies of all of your station's ownership reports (not just the most recent one), and applications that were granted (not just those that are pending). The station will need to clean up the sections of the online public file that the FCC has populated to remove material that is not required to be kept in the file. **See the Public File Primer for instructions on how to remove material from the public file.**

5. Do we need to keep paper copies of the political files once they are uploaded to the online public file?

No. But, if the FCC-hosted online public file is not accessible for any reason (like during a government shutdown), the station must make its political files available for the public

to review. Thus, stations should ensure they maintain a back-up of all political file material uploaded to the public file.

6. Our station was recently bought by a new owner. Do we have to upload Issues and Program Reports and EEO Public File Reports created by the previous owner?

Yes. If the current licensee has those files and they relate to the current license term, they should be uploaded to the OPIF. As the new licensee of the station, the FCC cannot hold you responsible for the *content* of the reports prepared by the previous licensee or the *completeness* of the public file prior to its acquisition by the current licensee.

7. Who at the station should be responsible for maintaining the online public file?

Each station must designate at least one person to maintain the OPIF and ensure this person has access to the passcode. We strongly recommend that multiple people are trained in how to upload material to the OPIF to ensure that a deadline is not missed because someone is sick or on vacation.

8. How long after a Time Brokerage Agreement expires do we have to keep it in the file?

The Agreement can be removed as soon as it expires (if it has not been renewed).

9. Should we keep our “Alternative Inspection” certificate in the OPIF?

Neither. This should be kept in your business files rather than the public file.

10. Should we place supporting documentation for our annual EEO public file report in the OPIF?

No. A station only needs to upload the EEO annual public file report in the OPIF. Supporting documentation should be kept in your business files. The exception is if the station is selected for an audit of its EEO files by the FCC, then it would submit the backup documentation to the FCC and upload a copy of the audit material in the OPIF.

11. Is documentation showing that we aired PSAs required to be kept in the public file?

No. This information is not required to be kept in the public file. However, if a PSA contains a significant treatment of a local issue, it can be one acceptable way to address local issues and could be included in the station’s issues and program report. While PSAs are one type of programming that can be used to address local issues, we strongly caution stations **not** to rely solely on PSAs to address local issues.

ATTACHMENT G
FCC FORM 2100/SCHEDULE 396



(DRAFT COPY - Not for submission)

Broadcast Equal Employment Opportunity Program Report

FRN: [REDACTED] | File Number: [REDACTED] | Submit Date: [REDACTED] | Call Sign: [REDACTED] | Facility ID: [REDACTED] | City: [REDACTED] | State: [REDACTED]
Service: **Full Power FM** | Purpose: **EEO Report** | Status: **Saved** | Status Date: [REDACTED] | Filing Status: **Active**

General Information

Section	Question	Response
Application Description	Description of the application (255 characters max.) is visible only to you and is not part of the submitted application. It will be displayed in your Applications workspace.	[REDACTED]
Attachments	Are attachments (other than associated schedules) being filed with this application?	No

Licensee Information

Licensee Name, Type and Contact Information

Applicant	Address	Phone	Email	Applicant Type
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Contact Representatives

Contact Name	Address	Phone	Email	Contact Type
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Common Stations

Facility Identifier	Call Sign	City	State	Time Brokerage Agreement
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Program Report Questions

Section	Question	Response
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)?	[REDACTED]
Full-time Employees	Does your station employment unit employ fewer than five full-time employees? Consider as "full-time" employees all those permanently working 30 or more hours a week?	[REDACTED]

Certification

Question	Response
[REDACTED]	[REDACTED]

The undersigned certifies that he or she is (a) the party filing the report, or an officer, director, member, partner, trustee, authorized employee, or other individual or duly elected or appointed official who is authorized to sign on behalf of the party filing the report; or (b) an attorney qualified to practice before the Commission under 47 C.F.R. Section 1.23(a), who is authorized to represent the party filing the report, and who further certifies that he or she has read the document; that to the best of his or her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay	
Certified Date	
Certified Title	
Authorized Party Name	

Attachments

No Attachments.

Federal Communications Commission
Washington, DC 20554

Approved by OMB
OMB Control Number 3060-0113
Estimated Time per Response – 1.5 hours

INSTRUCTIONS - FORM 2100, SCHEDULE 396 – BROADCAST EQUAL EMPLOYMENT OPPORTUNITY PROGRAM REPORT

The following Instructions track the Broadcast Equal Employment Opportunity Program Report in LMS:

GENERAL INSTRUCTIONS

Introduction. 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 CFR § 73.2080. Form 2100, Schedule 396, is required to be filed at the time of renewal of license by all commercial and noncommercial educational AM, FM, and TV stations.

Pursuant to these rule requirements, a license renewal applicant whose station employment unit employs five or more full-time station employees must file a complete Form 2100, Schedule 396, responding to all questions and providing all required attachments, reporting 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 – an applicant employing fewer than five full-time employees in its station employment unit as of the date of filing need only respond “Yes” to the station employment unit question under “Full-time Employees” and complete the Certification at the end of Schedule 396, submit the Schedule to the Commission, and place a copy in the station’s online public file. 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 the completed Schedule and all related documents shall be made available for inspection by the public in the station’s online public inspection file, pursuant to the requirements of 47 CFR § 73.3526(b). 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 CFR § 73.2080 and are authorized by the Communications Act of 1934, as amended.

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. A broadcast station must assign to a particular official overall responsibility for equal employment opportunity at the station.

Electronic Filing of Applications. Electronic filing of Schedule 396 is mandatory. *See* <https://enterpriseefiling.fcc.gov/dataentry/login.html>. Similarly, any amendment to a pending Schedule 396 must be filed electronically.

Applicants should provide all information requested by this application. No section may be omitted except as indicated in these instructions.

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

The applicant must electronically sign the application. The signature will consist of the electronic equivalent of the typed name of the individual submitting the application as the applicant or applicant’s authorized representative. Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an

All previous editions obsolete.

FCC Form 2100, Schedule 396 Instructions
February 2019

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

GENERAL INFORMATION

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

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

LICENSEE INFORMATION

Licensee Name and Type: Select the Licensee Type (e.g., Individual, Unincorporated Association, Trust, Government Entity, etc.) from the drop-down menu. In the box below the drop-down menu, enter the exact legal name of the licensee or licensee entity. The name of the licensee must be stated exactly in this item. If the licensee is a corporation, the licensee should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual licensee, the person's full legal name.

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

CONTACT REPRESENTATIVE

If the applicant is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/Email address may be specified as the Contact Representative. Otherwise, a party to the application or another person associated with the applicant may be designated as Contact Representative. This is the person with whom the Commission will communicate regarding the application. At least one Contact Representative must be designated.

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

Contact Name: Enter the name of the Contact Representative. If the representative works for a firm or company, enter that name in the Company Name box. Select the Contact Representative's Country and State from the drop-down menus.

Contact Information: Enter the Contact Representative's postal address, telephone number, and Email address in the spaces provided. When finished, click “Save & Continue.”

COMMON STATIONS

List the Facility ID Number, call sign, and community of license of all stations included on this report in the spaces provided. List commonly owned stations that share one or more employees. Also list stations operated by the licensee pursuant to a time brokerage agreement, by selecting “Yes” in the “Time Brokerage Agreement” column. To the extent that licensees include on this report stations operated pursuant to a time brokerage agreement, responses or information provided should take into consideration the licensee's EEO compliance efforts at brokered stations, as well as any other stations, included in this Schedule. For purposes of this Schedule, a station employment unit is a station or a group of commonly owned stations in the same market that share at least one employee.

Enter the Facility ID Number, Call Sign, City of License, and State in the fields provided. Select “Yes” or “No,” as appropriate, in the “Time Brokerage Agreement” column. Click the “Add Row” button to open a new set of fields in which to enter information for additional commonly owned or brokered stations. When you have finished entering the required information, click the “Save & Continue” button at the bottom of the screen.

PROGRAM REPORT QUESTIONS

Program Report. 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 or sex. *See* 47 CFR § 73.2080. All AM, FM, and TV broadcast stations must file Form 2100, Schedule 396 – Broadcast EEO Program Report, with their license renewal applications. Pursuant to these rule requirements, a license renewal applicant who employs five or more full-time employees in its station employment unit must maintain an EEO recruitment program in addition to ensuring that equal employment opportunity is afforded to all full-time applicants and employees without discrimination. An “employment unit” is a station, or a group of commonly owned stations in the same market that share at least one employee. If an applicant employs fewer than five full-time employees in its station employment unit as of the date of filing Schedule 396, it does not need to maintain an EEO recruitment program but still must refrain from discrimination in its hiring and employment practices. An applicant employing fewer than five full-time employees in its station employment unit need only respond “Yes” to the station employment unit question under “Full-time Employees,” complete the Certification of Schedule 396, and must then file Schedule 396 with the renewal application.

Additionally, for employment units employing five or more full-time employees, each licensee must place in the station’s online public inspection file annually, and post on the station’s website, a report containing (1) a list of 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 Section 73.2080 (c)(1)(ii), 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.

Discrimination Complaints. All applicants must respond “Yes” or “No” as to whether any pending or resolved complaints were filed during the current license term before any body having competent jurisdiction under federal, state, territorial or local law, in which unlawful discrimination in the employment practices of the station(s) was alleged. If responding “Yes,” applicant must provide an attachment with a brief description of the complaint(s), including the person(s) involved, the date(s) of the filing(s), the court or agency, the file number (if any), and the disposition or current status of the matter.

Full-time Employees. All applicants must also respond “Yes” or “No” as to whether its station employment unit employs fewer than five full-time employees. “Full-time” employees are considered to be all those permanently working 30 or more hours a week. If responding “Yes,” the applicant need only certify Schedule 396, submit the Schedule to the Commission, and place a copy in the station’s online public inspection file. If responding “No,” the applicant must follow all instructions and complete Schedule 396 in its entirety (i.e., the **Additional Program Report Questions**, below) before submitting to the Commission and placing a copy in the online public inspection file.

ADDITIONAL PROGRAM REPORT QUESTIONS

Responsibility for Implementation. A broadcast station must assign a particular official overall responsibility for equal employment opportunity at the station. Enter the name and title of this official in the fields provided.

EEO Public File Report. Attach to this Schedule one copy of each of the EEO public file reports from the previous two years. Stations are required to place such information, as is required by 47 CFR § 73.2080, in their online public files annually.

Narrative Statement. Provide as an attachment a statement that 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 those difficulties.

CERTIFICATION

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

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

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

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

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

Authorized Party to Sign: The applicant must electronically sign the application. Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a

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

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

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

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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 1.5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0113), 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 3060-0113.

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

ATTACHMENT H
EEO PUBLIC FILE REPORT TEMPLATE

**[FILL WITH STATION CALL SIGNS]
EEO PUBLIC FILE REPORT**

_____, 20__ - _____, 20__

II. MASTER RECRUITMENT SOURCE LIST (“MRSL”)

RS Number	RS Information	Source Entitled to Vacancy Notification? (Yes/No)	No. of Interviewees Referred by RS Over Reporting Period
1	<i>[For each source type in the (1) name of the contact entity, (2) name or title of contact person, (3) mailing address, and (4) telephone number. You must provide more than just the name of the source, unless it was only a website service; for the latter, provide at least the full web address.]</i>	<i>[If a source has requested notice of your job vacancies (or responded “yes” to your offer to send them notices), type “Y”. If you’ve received no such request (or made no such offer), type “N”.]</i>	<i>[Provide number of interviewees—not applicants—produced by this RS for all vacancies filled during reporting period.]</i>
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
(etc.)			

RS Number	RS Information	Source Entitled to Vacancy Notification? (Yes/No)	No. of Interviewees Referred by RS Over Reporting Period
TOTAL INTERVIEWEES OVER REPORTING PERIOD			<i>[Type in total number of interviewees for reporting period.]</i>

**[FILL WITH STATION CALL SIGNS]
EEO PUBLIC FILE REPORT**

_____, 20__ - _____, 20__

III. RECRUITMENT INITIATIVES

	Type Of Recruitment Initiative (Menu Selection)	Brief Description Of Activity
1	<p><i>[NOTE: To report initiatives that occurred during this period, type a brief phrase here that corresponds to the FCC's recruitment initiative menu. Examples:</i></p> <p>Participated in Job Fair</p> <p>Co-Sponsored Career Day</p> <p>Internship Program</p> <p>Event Designed to Disseminate Information About Broadcast Careers]</p>	<p><i>[Provide a brief description here—and for any job fair, career day or similar event, indicate by job title the station representatives who participated in the event. Job fairs and similar events only count if the station participants can be said to have some input into hiring decisions. Example:</i></p> <p>On [date], the stations participated in a job fair held at ABC College in [city, state]. Participants from the stations included the Director of Sales and the Programming Director.]</p>
2		
3		
4		