

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

The following Instructions track the Renewal of Television 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](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.

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 this 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, even if there was a transfer of control. However, if the station license was assigned 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 Rcd 23056, 23064 (1998), para. 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 Rcd 5922, 5936, para. 31 (2008); *2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Second Report and Order, 31 FCC Rcd 9864, 9976-84, paras. 271-86 (2016) (2014 Quadrennial Review Order).

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 application. Where the 5 percent stock owner is itself a corporation, each of its stockholders, directors, and "executive" officers (president, vice-president, secretary, treasurer, or their equivalents) is considered a party to this application unless the applicant submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the station. In this statement, the applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest

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

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

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

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

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

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

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

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

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

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

**FCC Violations During the Preceding License Term.** Section 309(k) of the Communications Act of 1934, as amended, 47 U.S.C. § 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, including as a result of other disclosures in this application, in determining whether to grant this license renewal application.

**Ownership.** All applicants must certify compliance with 47 CFR § 73.3555 with the exception of the following classes of stations: Class A television, low power television, TV translators, low power FM (*see* 47 CFR § 73.860), and noncommercial educational FM and TV stations. For such classes of stations, the applicant should select the “not applicable” option. All other classes of stations must provide a yes/no answer.

On November 20, 2019, the United States Court of Appeals for the Third Circuit vacated and remanded in its entirety the Commission’s *2010/2014 Quadrennial Review Order on Reconsideration*. *Prometheus Radio Project v. FCC*, 939 F.3d 567 (3d Cir. 2019), *petition for rehearing en banc denied* (3d Cir. Nov. 20, 2019) (*Prometheus*); *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 et al.*, Order on Reconsideration and Notice of Proposed Rulemaking, 32 FCC Rcd 9802 (2017) (*2010/2014 Quadrennial Review Order on Reconsideration*). By vacating the *2010/2014 Quadrennial Review Order on Reconsideration*,



the *Prometheus* decision reinstates the 2016 media ownership rules as they existed prior to the *2010/2014 Quadrennial Review Order on Reconsideration*. See *2010/2014 Quadrennial Review Order, Second Report and Order*, 31 FCC Rcd 9864 (2016); see also *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 et al.*, Order, DA 19-1303 (Dec. 20, 2019) (2019 Order). The following rules are currently in effect:

Local radio ownership rule. Commission regulations provide that one entity may own no more than eight commercial radio stations in a market with 45 or more stations, with no more than five commercial stations operating in the same AM or FM service; or seven commercial stations in markets with 30-44 stations, with no more than four commercial stations operating in the same AM or FM service; or six commercial stations in markets with 15-29 stations, with no more than four commercial stations operating in the same AM or FM service; or five commercial stations in markets with 14 or fewer stations, with no more than three commercial stations operating in the same AM or FM service.

Local television multiple ownership rule. Commission regulations provide that one entity may own two television stations in the same Designated Market Area (DMA) if: (1) the digital noise limited service contours of the stations do not overlap; or (2) at the time the application to acquire or construct the station is filed, at least one of the stations is not ranked among the top four stations in the DMA, and at least eight independently owned and operating, full-power commercial and noncommercial TV stations would remain in the post-merger DMA.

Radio/television cross-ownership rule. Commission regulations provide that the rule applies when: (1) the predicted or measured 1 mV/m contour of an existing or proposed FM station (computed in accordance with § 73.313) encompasses the entire community of license of an existing or proposed commonly owned TV broadcast station(s), or the principal community contour(s) of the TV broadcast station(s) (computed in accordance with § 73.625) encompasses the entire community of license of the FM station; or (2) the predicted or measured 2 mV/m groundwave contour of an existing or proposed AM station (computed in accordance with § 73.183 or § 73.186), encompasses the entire community of license of an existing or proposed commonly owned TV broadcast station(s), or the principal community contour(s) of the TV broadcast station(s) (computed in accordance with § 73.625) encompass(es) the entire community of license of the AM station.

If the rule is triggered, an entity may directly or indirectly own, operate, or control up to two commercial TV stations (if also permitted by the local television multiple ownership rule) and one commercial radio station. To the extent permitted by the local television and local radio multiple ownership rules, an entity may exceed these limits as follows:

- (i) If at least 20 independently owned media voices would remain in the market post-merger, an entity may directly or indirectly own, operate, or control up to: (A) two commercial TV and six commercial radio stations; or (B) one commercial TV and seven commercial radio stations.
- (ii) If at least 10 independently owned media voices would remain in the market post-merger, an entity may directly or indirectly own, operate, or control up to two commercial TV and four commercial radio stations.

For purposes of this rule, independently owned media voices consist of television and radio stations, cable systems, and daily newspapers, as articulated in section 73.3555(c).

Newspaper/broadcast cross-ownership rule. No party (including all parties under common control) may directly or indirectly own, operate, or control a daily newspaper and a full-power commercial broadcast station (AM, FM, or TV) if: (i) the predicted or measured 2 mV/m groundwave contour of the AM station (computed in accordance with § 73.183 or § 73.186) encompasses the entire community in which the newspaper is published

and, in areas designated as Nielsen Audio Metro markets, the AM station and the community of publication of the newspaper are located in the same Nielsen Audio Metro market; (ii) the predicted or measured 1 mV/m contour of the FM station (computed in accordance with § 73.313) encompasses the entire community in which the newspaper is published and, in areas designated as Nielsen Audio Metro markets, the FM station and the community of publication of the newspaper are located in the same Nielsen Audio Metro market; or (iii) the principal community contour of the TV station (computed in accordance with § 73.625) encompasses the entire community in which the newspaper is published, and the community of license of the TV station and the community of publication of the newspaper are located in the same DMA.

*Note:* The prohibition regarding a party's direct or indirect ownership, operation, or control of a daily newspaper and a full-power broadcast station does not apply where either the newspaper or television station is found to be failed or failing consistent with the Commission's rules.

National television multiple ownership rule. No license for a commercial television broadcast station shall be granted, transferred, or assigned to any party (including all parties under common control) if the grant, transfer, or assignment of such license would result in such party or any of its stockholders, partners, members, officers, or directors having a cognizable interest in television stations that have an aggregate national audience reach exceeding thirty-nine (39) percent. If the thirty-nine (39) percent national audience reach limitation for television stations is exceeded through grant, transfer, or assignment of an additional license for a commercial television broadcast station, the person or entity exceeding the limitation shall have not more than two years after exceeding such limitation to come into compliance with such limitation. This divestiture requirement shall not apply to persons or entities that exceed the 39 percent national audience reach limitation through population growth. See 47 CFR § 73.3555 for a further explanation of "national audience share."

Time Brokerage Agreement. A "time brokerage agreement" (also known as a "local marketing agreement") is the sale by a licensee of discrete blocks of time to a "broker" that supplies the programming to fill that time and sells the commercial spot announcements in it. Where two stations (either both radio or both television, respectively) are both located in the same market (as defined in local radio and television ownership rule), and a party (including all parties under common control) with a cognizable interest in one such station brokers more than 15 percent of the broadcast time per week of the other such station, that party shall be treated as if it has an interest in the brokered station subject to the aforementioned limitations. These limitations shall apply regardless of the source of the brokered programming supplied by the party to the brokered station. Every time brokerage agreement of the type described above shall be undertaken only pursuant to a signed written agreement that shall contain a certification by the licensee or permittee of the brokered station verifying that it maintains ultimate control over the station's facilities.

Joint Sales Agreement. A "joint sales agreement" is an agreement with a licensee of a "brokered station" that authorizes a "broker" to sell advertising time for the "brokered station." Where two radio stations, or two television stations, are both located in the same market, as defined for purposes of the local radio ownership rule or local television rule, respectively, and a party (including all parties under common control) with a cognizable interest in one such station sells more than 15 percent of the advertising time per week of the other such station, that party shall be treated as if it has an attributable interest in the brokered station for purposes of the Commission's ownership rules. Additionally, every joint sales agreement shall be undertaken only pursuant to a signed written agreement that shall contain a certification by the licensee or permittee of the brokered station verifying that it maintains ultimate control over the station's facilities, including, specifically, control over station finances, personnel, and programming, and by the brokering station that the agreement complies with the limitations set forth in the local radio or local television ownership rule, as applicable.

*Note:* If the Commission has granted the applicant a waiver of, or exception to, the aforementioned ownership rules, then the applicant should certify “Yes” and include an attachment evidencing the Commission’s granting of the waiver.

**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 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 Rcd 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 this certification 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.”

## **FULL POWER TV/CLASS A TV 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 Full Power TV or Class A 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 full power 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 a Full Power TV or Class A 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 Full Power TV and Class A 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 question.

**Online Public Inspection File.** Commercial and noncommercial educational Full Power TV and Class A TV 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.

**Children’s Programming Commercial Limitations.** Commercial TV and Class A commercial television licensees must limit the amount of “commercial matter” in “children’s programming,” which is defined for this purpose as programming originally produced and broadcast primarily for an audience of children 12 years of age and under. *See* 47 CFR § 73.670, Notes 1 and 2. The children’s programming commercial limitations restrict licensees from airing more than 12 minutes of commercial matter per hour on weekdays during children’s programs, and no more than 10.5 minutes of commercials on weekends during children’s programs. The limits also apply *pro rata* to children’s programs which are 5 minutes or more and which are not part of a longer block of children’s programming. There are no restrictions on how commercials within the limits are configured within an hour’s block of children’s programming, i.e., it is not necessary to prorate the commercial limits for separate children’s programs within the hour. *See* 47 CFR § 73.670(a). The commercial limit rules also place restrictions on the placement of website addresses during and adjacent to children’s programming. *See* 47 CFR § 73.670(b).

If “Yes” is answered, in addition to representing compliance with section 73.670, the applicant is also certifying that it has not violated the Commission’s policies on “host-selling” and “program-length commercials.” *See e.g., Policies and Rules concerning Children’s Television Programming*, Report and Order, 6 FCC Rcd 2111, 2117-18, paras. 40-47, *modified, in part*, Memorandum Opinion and Order, 6 FCC Rcd 5093, 5098-99, paras. 28-34 (establishing the Commission’s policies on program-length children’s commercials); *Action for Children’s Television, Policy Statement*, 50 FCC2d 1, 8, 16–17 (1974) (establishing the Commission’s policies on host-selling). If “No” is answered the applicant must submit as an Exhibit a list of each program or segment of programming designed for children 12 years and under broadcast during the license period that contained commercial matter in excess of the Commission’s commercial limits and policies. For each programming segment so listed, indicate the length of the segment, the amount and/or type of commercial matter contained therein, and an explanation of why the commercial limit rules were violated.

**Children’s Television Programming Reports.** Each commercial TV and Class A TV licensee is required to describe in its renewal application its efforts to serve the educational and information needs of children. Each commercial TV and Class A TV licensee is required to prepare and electronically file a Children’s Television Programming Report on FCC Form 2100, Schedule H (formerly, FCC Form 398) (Children’s Report), setting forth the efforts made by the licensee to serve the educational and informational needs of the children. The Children’s Report is required to be filed with the Commission and a copy placed in the station’s online public inspection file. Children’s Reports were required to be filed on a quarterly basis by the tenth day of the preceding calendar quarter (i.e., by April 10 for the first quarterly report; by July 10 for the second quarterly report; by October 10 for the third quarterly report; and by January 10 for the fourth quarterly report). However, on July 12, 2019, the Commission amended its rules to require that Children’s Reports be filed on an annual basis within thirty days following the end of the year, reporting on all children’s programming aired during the prior calendar year (January 1 – December 31). *See Children’s Television Programming Rules; Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202 and 17-105, Report and Order, 34 FCC Rcd 5822 (2019). The final quarterly Children’s Report was due on October 10, 2019, and reported children’s programming aired between July 1, 2019, and September 15, 2019. Pursuant to an extension of time provided to all broadcasters, the first annual Children’s Report was due on March 30, 2020, and covered children’s programming aired from September 16, 2019, through December 31, 2019. *See Media Bureau Announces Effective Date and Provides Guidance on Transition Procedures for KidVid Reporting and Compliance with Revised Safe Harbor Processing Guidelines*, MB Docket Nos. 18-202 and 17-105, Public Notice, 34 FCC Rcd 7878 (MB 2019); *Media Bureau Announces Effective Date of Remaining KidVid Rules, Availability and Extension of Time to File the Revised Children’s Television Programming Report in LMS, and Guidance*

*Concerning the filing of Final Quarterly Commercial Limits Certifications*, MB Docket Nos. 18-202 and 17-105, DA 19-1319 (Dec. 20, 2019).

By answering “Yes” to this question the applicant certifies that all reports were filed as required by the Commission’s rules and contain the substantive information required by the Commission’s rules and the Children’s Report, as required during the covered period for the Children’s Report (e.g., a Children’s Report filed for second quarter of 2017 was filed by April 10, 2017, and contained all required substantive information requested by the form and rules in effect between January 1, 2017, and March 30, 2017). If “No” is answered the applicant must submit as an Exhibit an explanation identifying the specific reports that were not filed on time or are missing from the station’s online public inspection file.

We note broadcasters are no longer able to amend a previously filed quarterly Children’s Report or file a missing quarterly Children’s Report. In order to provide information that would have otherwise been provided on a quarterly Children’s Report a licensee must provide the necessary information in the form of an explanatory document. Such document must be uploaded to a station’s online public inspection file and placed in the “Children’s Reports” section, under the folder entitled “Additional Documents.” Applicants should include an exhibit in response to this question noting if any such explanatory document has been uploaded to the station’s online public inspection file. Applicants may still certify “Yes” to this question and provide an exhibit. *See Media Bureau Announces That After December 17, 2019, Television Broadcasters Will No Longer Be Able to Amend Existing or File New Quarterly Children’s Television Programming Reports*, MB Docket Nos. 18-202 and 17-105, Public Notice, DA 19-1186 (MB, Nov. 15, 2019).

**Core Programming Processing Guidelines.** The Children’s Television Act of 1990 (CTA) requires the Commission to consider, in reviewing television license renewals, the extent to which the licensee “has served the educational and informational needs of children through the licensee’s overall programming, including programming specifically designed to serve such needs.” *See Children’s Television Act of 1990*, Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, 394. The Commission has adopted rules implementing the CTA by (1) requiring that programming specifically designed to serve the educational and informational needs of children, also known as “Core Programming,” satisfies specific criteria, and (2) establishing safe harbor processing guidelines under which the airing of minimum amounts of Core Programming will be deemed to demonstrate compliance with the CTA. On July 12, 2019, the Commission released a *Report and Order* modernizing the children’s television programming rules to give broadcasters greater flexibility in serving the educational and informational needs of children. *See Children’s Television Programming Rules; Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202 and 17-105, Report and Order, 34 FCC Rcd 5822 (2019). As outlined in detail below, the Commission’s revised rules went into effect at different times because portions of these rules required OMB approval.

If an applicant answers “Yes” to this question, it is certifying that it has complied with the Core Programming criteria and Core Programming processing guidelines in effect at the time the Core Program was aired.

Core Programming Criteria and Processing Guidelines Prior to September 16, 2019:

Prior to September 16, 2019, a broadcaster’s compliance with its obligations under the Children’s Television Act will be evaluated as follows. *See Children’s Television Obligations of Digital Television Broadcasters*, MM Docket No. 00-167, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 22943 (2004); *Children’s Television Obligations of Digital Television Broadcasters*, MM Docket No. 00-167, Second Order on Reconsideration and Second Report and Order, 21 FCC Rcd 11065 (2006).

A “Core Program” is educational and informational programming that meets the following criteria:

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

A licensee that has aired three hours per week (as averaged over a six-month period) of Core Programming will be deemed by Commission staff to have satisfied its obligation under the CTA to serve the educational and informational needs of children through its programming. Stations that multicast also have an obligation to air Core Programming on their multicast streams. Such stations must air an additional ½ hour per week of Core Programming for every increment of 1 to 28 hours of video programming provided on a free multicast stream. Stations that multicast may air all of their additional Core Programming on either one free digital video channel or distribute it across multiple free digital video channels, at their discretion, as long as the stream on which the Core Programming is aired has comparable carriage on MVPDs as the stream triggering the additional Core Programming obligation. At least 50% of the Core Programming counted toward meeting the additional processing guideline cannot consist of program episodes that aired during the previous week on either the station's primary program stream or one of its free multicast streams.

Core Programming will be counted as preempted only if it was not aired in a fixed substitute time slot of the station's choice (known as a "second home") with an on-air notification of the schedule change occurring at the time of preemption during the previously scheduled time slot. The on-air notification must announce the alternate date and time when the preempted show will air. Programming preempted for breaking news will not be considered preempted regardless of whether it is rescheduled.

A licensee will also be eligible for Commission staff approval of its children's programming showing where the licensee sets forth in an exhibit that it has aired an assortment of different types of educational and informational programming that, while somewhat less than three hours per week of Core Programming, demonstrates a level of commitment to educating and informing children that it is at least equivalent to airing three hours per week of Core Programming.

A licensee that fails to make one of the aforementioned showings will have its renewal application(s) referred to the full Commission, where it will have the opportunity to demonstrate compliance with the CTA by relying, in part, on: (1) any special non-broadcast efforts by the licensee which enhance the educational and informational value of such programming to children; and (2) any special efforts by the licensee to produce or support programming broadcast by another station in the licensee's marketplace which is specifically designed to serve the educational and informational needs of children.

Core Programming Criteria and Processing Guidelines Starting on September 16, 2019, through January 20, 2020:

The following revised rules adopted in the *2019 Children's Programming R&O* took effect on **September 16, 2019**: sections 73.671(c)(2) (expanded Core Programming hours), 73.671(c)(3) (revisions to regularly scheduled weekly programming requirement), 73.671(c)(4) (revisions to requirement that Core Programming be

at least 30 minutes in length), 73.671(d) (revised safe harbor processing guidelines), and 73.671(e)(3) (preemption exemption for non-regularly scheduled live programming produced locally by the station).

A “Core Program” is educational and informational programming that meets the following criteria:

- (1) it has serving the educational and informational needs of children ages 16 and under as a significant purpose;
- (2) it is aired between the hours of 6:00 a.m. and 10:00 p.m.;
- (3) it is a regularly scheduled weekly program, except that a licensee may air a limited amount of programming that is not regularly scheduled on a weekly basis, including educational specials and regularly scheduled non-weekly programming, and have that programming count as Core Programming, as described below (*see* 47 CFR § 73.671(d));
- (4) it is at least 30 minutes in length except that a licensee may air a limited amount of short-form programming, including public service announcements and interstitials, and have that programming count as Core Programming, as described below (*see* 47 CFR § 73.671(d));
- (5) it is identified as specially designed to educate and inform children by the display on the television screen throughout the program of the symbol E/I;
- (6) the educational and informational objective of the program and the target child audience are specified in writing in the licensee’s quarterly Children’s Television Programming Report; and
- (7) instructions for listing the program as educational and informational, including an indication of the age group for which the program is intended, are provided to publishers of program guides.

A licensee will be deemed by Commission staff to have satisfied its obligation under the CTA to serve the educational and informational needs of children through its programming if it: (1) airs three hours per week (as averaged over a six-month period) of Core Programming on its main program stream; or (2) airs 156 hours of Core Programming annually, including at least 26 hours per quarter of regularly scheduled weekly programming that is at least 30 minutes in length and up to 52 hours annually of Core Programs that are not aired on a regularly scheduled weekly basis, including programming that is less than 30 minutes in length. A station may air up to 13 hours per quarter of regularly scheduled weekly Core Programming of at least 30 minutes in length on a multicast stream.

Core Programming will be counted as preempted only if it was not aired in a fixed substitute time slot of the station’s choice (known as a “second home”) with an on-air notification of the schedule change occurring at the time of preemption during the previously scheduled time slot. The on-air notification must announce the alternate date and time when the preempted show will air. Programming preempted for breaking news or non-regularly scheduled, live locally produced programming will not be considered preempted regardless of whether the program is rescheduled.

A licensee that fails to make one of the aforementioned showings will have its renewal application(s) referred to the full Commission, where it will have the opportunity to demonstrate compliance with the CTA by relying, in part, on: (1) any special non-broadcast efforts by the licensee which enhance the educational and informational value of such programming to children; and (2) any special efforts by the licensee to produce or support programming broadcast by another station in the licensee’s marketplace which is specifically designed to serve the educational and informational needs of children.

#### Core Programming Criteria and Processing Guidelines Starting on January 21, 2020:

The following revised rules adopted in the *2019 Children’s Programming R&O* took effect on January 21, 2020: sections 73.671(c)(5) (revised E/I symbol requirements), 73.671(c)(6) (reporting of target age);



73.671(c)(7) and 73.673 (information required to publisher of program guides), and 73.671(e)(1) and (2) (revised preemption standards).

A “Core Program” is educational and informational programming that meets the following criteria:

- (1) it has serving the educational and informational needs of children ages 16 and under as a significant purpose;
- (2) it is aired between the hours of 6:00 a.m. and 10:00 p.m.;
- (3) it is a regularly scheduled weekly program, except that a licensee may air a limited amount of programming that is not regularly scheduled on a weekly basis, including educational specials and regularly scheduled non-weekly programming, and have that programming count as Core Programming, as described below (*see* 47 CFR § 73.671(d));
- (4) it is at least 30 minutes in length except that a licensee may air a limited amount of short-form programming, including public service announcements and interstitials, and have that programming count as Core Programming, as described below (*see* 47 CFR § 73.671(d));
- (5) for commercial broadcast stations only, the program is identified as specifically designed to educate and inform children by the display on the television screen throughout the program of the symbol E/I;
- (6) the target child audience is specified in writing in the licensee’s Children’s Television Programming Report; and
- (7) instructions for listing the program as educational and informational are provided to publishers of program guides.

A licensee will be deemed by Commission staff to have satisfied its obligation under the CTA to serve the educational and informational needs of children through its programming if it: (1) airs three hours per week (as averaged over a six-month period) of Core Programming on its main program stream; or (2) airs 156 hours of Core Programming annually, including at least 26 hours per quarter of regularly scheduled weekly programming that is at least 30 minutes in length and up to 52 hours annually of Core Programs that are not aired on a regularly scheduled weekly basis, including programming that is less than 30 minutes in length. A station may air up to 13 hours per quarter of regularly scheduled weekly Core Programming of at least 30 minutes in length on a multicast stream.

Core Programming scheduled to be aired on a station’s main or multicast stream will be counted as preempted only if it was not rescheduled to air within seven days before or after the date the episode was originally scheduled to air. The broadcast station must make an on-air notification of the schedule change during the same time slot as the preempted episode. If a station intends to air the rescheduled episode within the seven days before the date the episode was originally scheduled to air, the station must provide the on-air notification during the same timeslot as the preceding week’s episode of that program. The on-air notification must announce the alternate date and time when the preempted show will air. The program must be rescheduled to air on the same stream as which it was originally scheduled. Programming preempted for breaking news or non-regularly scheduled, live locally produced programming will not be considered preempted regardless of whether the program is rescheduled.

A licensee that fails to make one of the aforementioned showings will have its renewal application(s) referred to the full Commission, where it will have the opportunity to demonstrate compliance with the CTA by relying, in part, on: (1) any special non-broadcast efforts by the licensee which enhance the educational and informational value of such programming to children; and (2) any special efforts by the licensee to produce or support programming broadcast by another station in the licensee’s marketplace which is specifically designed to serve the educational and informational needs of children.

**E/I Symbol.** Educational and informational television programming is defined as any television programming that furthers the educational and informational needs of children 16 years of age and under in any respect, including the child’s intellectual/cognitive or social/emotional needs. An applicant must certify that, in accordance with section 73.671(c)(5), it identifies each Core Program using the E/I symbol throughout the airing of each program. If “No” is answered the applicant must provide an Exhibit containing a description of when the E/I symbol was not displayed and what steps were taken to ensure future compliance.

For Full Power NCE Licensees Only: Starting on January 21, 2020, noncommercial educational stations are no longer required to display the E/I symbol during Core Programming. If “Yes” is answered, a noncommercial educational applicant is certifying that it displayed the E/I symbol throughout each Core program aired through January 20, 2020. As of January 21, 2020, NCE stations are no longer required to display the E/I symbol. This rule change **did not** change the obligations of commercial TV stations and Class A TV stations (including Class A TV stations that only air noncommercial programming).

**Notifying Publishers of Program Guides.** This question requires the applicant to certify that it provides information identifying each Core Program aired on its station to publishers of program guides as required by section 73.673. Starting on September 16, 2019, commercial TV and Class A TV broadcast stations (including Class A TV stations that are solely airing noncommercial programming) are no longer required to include in the information provided to publishers of program guides an indication of the target age range of the Core Program. If “Yes” is answered to this question, the applicant certifies that prior to September 16, 2019, it provided to publishers of program guides an indication of target age range for the Core Program.

**Publicizing Children’s Reports.** Through January 20, 2020, section 73.3526(e)(11)(iii) required commercial TV and all Class A TV broadcast stations to publicize the existence and location of the station’s Children’s Television Programming Reports (FCC Form 2100, Schedule H). If “Yes” is answered to this question the applicant is certifying that it complied with this requirement through January 20, 2020. Starting January 21, 2020, stations were no longer required to publicize the existence and location of their Children’s Television Programming Reports.

**Children’s Programming Disclosures and Other Efforts.** An applicant may provide any other comments or information it wishes the Commission to consider in evaluating whether the licensee has met its obligations under the Children’s Television Act and the Commission’s children’s television programming rules (*see e.g.*, 47 CFR §§ 73.3526, 73.671, 73.673). This may include, but is not limited to, information on the sponsorship of Core educational/informational programs on other stations in the same market that increases the amount of Core educational and informational programming on the station airing the sponsored program, or on any non-Core educational and informational programming that the station plans to air, as well as information on any existing or proposed non-broadcast activities that the licensee believes enhance the educational and informational value of such programming to children.

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

**A licensee unable to continue to meet the minimum operating requirements for Class A television stations, or which elect to revert to low power television status is required to notify the Commission, in writing, and request a change in status.** *See 47 CFR 73.6001(d); In the Matter of Establishment of a Class A Television Service, MM Docket No. 00-10, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8257, para. 35 (2001).*

**Discontinued Operations.** 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 question 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.

**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 question 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) A noncommercial Full Power 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)*); (ii) Any other type of Full Power TV or Class A TV broadcast station is expected to provide continuous service except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC in Washington, D.C. no later than 10 days after the discontinued operation. Failure to operate for a period of 30 days or more shall be taken into consideration in the renewal of the station’s license. *See 47 U.S.C. § 309(k); Radioactive, LLC, 32 FCC Rcd 6392 (2017).*

**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.

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](mailto:rfsafety@fcc.gov) or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

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.

**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 Full Power TV stations are not required to operate on a regular schedule and no minimum hours of operation are specified, but the hours of actual operation during a license period shall be taken into consideration in the renewal of an NCE licensee. A noncommercial educational Full Power TV broadcast station is expected to provide continuous service, except where causes beyond its control warrant interruption. Class A TV stations are required to operate no less than 18 hours in each day of the week. *See* 47 CFR § 73.1740(a)(5).

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 tenth day of limited or discontinued operation. *See* 47 CFR §§ 73.1740(a)(4).

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.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 609 (2008) (finding that test signals, even if audible to the public, are not broadcast signals).

**Adherence to Operational Parameters.** This question requires the applicant to certify that during the preceding licensee term, the station has operated pursuant to authorized operating parameters, including pursuant to the terms of its license, special temporary authority, or as otherwise permitted to operate under the Commission’s rules. DTV broadcasters must also transmit at least one over-the-air video program signal at no direct charge to viewers. *See* 47 CFR §§ 73.624(b).

To the extent the applicant’s station is a channel sharing station (sharer or sharee) pursuant with sections 73.3700(h), 73.3800, and 73.6028 of the Rules (Channel Sharing Rules), the station is also certifying that it is operating in compliance with the Channel Sharing Rules, including the Station’s Channel Sharing Agreement (CSA). *See* 47 CFR §§ 73.3700(h), 73.3800, and 73.6028. The licensee of an NCE station operating on a reserved channel that is a party to a CSA either as a sharee or sharer must continue to comply with the requirements of 47 CFR § 73.621.

To the extent the station has converted its facility to ATSC 3.0 pursuant to sections 73.3801 or 73.6029 of the Rules (ATSC 3.0 Rules), the applicant certifies it is operating in compliance with the terms of the ATSC 3.0 Rules, including providing a simulcast signal of its primary ATSC 3.0 video programming stream in an ATSC 1.0 format and the terms of its Simulcasting Agreement. 47 CFR §§ 73.3801 and 73.6029.

Unless otherwise permitted by the Commission’s rules, a licensee must receive express Commission authority to operate at variance from its licensed parameters. *See e.g.*, 47 CFR §§ 73.1615, 73.1635, 73.1680. An application that certifies “No” to this question must provide an explanatory exhibit.

## 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.

## TV TRANSLATOR AND LOW POWER TV LICENSEES CERTIFICATIONS

**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 certification requires the applicant to certify that its TV translator or LPTV station is currently transmitting signals intended to be received by the public. An application may not answer “Yes” to this question if the station is transmitting only “test signals.”

*Note:* A TV translator or LPTV station is not required to adhere to any regular schedule of operation, however the licensee of a TV Translator is expected to provide service to the extent that such is within its control and to avoid unwarranted interruptions in the service provided. *See* 47 CFR §§ 74.763. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC in Washington, D.C. no later than 10 days after the discontinued operation. *See* 47 CFR § 73.1635. 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 Rcd 6392 (2017).

**Rebroadcast Status.** 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. TV translator or LPTV station 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. This will populate the table below with the station information. Additional stations can be added by clicking the “Add Station” button. Television 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 TV translator or LPTV station 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. *See* 47 CFR § 74.784(b). When the primary station is co-owned, the applicant also should answer “Yes” to this question.

**EEO Program.** Each licensee of a Full Power TV or Class A 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 Full Power TV and Class A 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 question, 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 certification.

**Environmental Effects.** This question requires that the applicant certify that the TV translator or LPTV 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 TV translator or LPTV station’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 TV translator or LPTV station’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, ScheoppQq7 6(uob-4(i)-4(oQq0.00000912 0 612 792 reW\*ñBT/F1 11.04 Tf1 0



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.

**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).

**Discontinued Operations.** 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 question 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.

**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 Full Power TV stations are not required to operate on a regular schedule and no minimum hours of operation are specified, but the hours of actual operation during a license period shall be taken into consideration in the renewal of an NCE licensee. A noncommercial educational Full Power TV broadcast station is expected to provide continuous service, except where causes beyond its control warrant interruption. Class A TV stations are required to operate no less than 18 hours in each day of the week. *See* 47 CFR § 73.1740(a)(5).

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 10<sup>th</sup> day of limited or discontinued operation. *See* 47 CFR §§ 73.1740(a)(4).

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.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 609 (2008) (finding that test signals, even if audible to the public, are not broadcast signals).

**Adherence to Operational Parameters.** This question requires the applicant to certify that during the preceding licensee term, the station has operated pursuant to authorized operating parameters, including pursuant to the terms of its license, special temporary authority, or as otherwise permitted to operate under the Commission’s rules. DTV broadcasters must also transmit at least one over-the-air video program signal at no direct charge to viewers. *See* 47 CFR §§ 73.624(b).

To the extent the applicant’s station is a channel sharing station (sharer or sharee) pursuant with sections 73.3700(h), 73.3800, and 73.6028 of the Rules (Channel Sharing Rules), the station is also certifying that it is operating in compliance with the Channel Sharing Rules, including the Station’s Channel Sharing Agreement (CSA). *See* 47 CFR §§ 73.3700(h), 73.3800, and 73.6028. The licensee of an NCE station operating on a reserved channel that is a party to a CSA either as a sharee or sharer must continue to comply with the requirements of 47 CFR § 73.621.

To the extent the station has converted its facility to ATSC 3.0 pursuant to sections 73.3801 or 73.6029 of the Rules (ATSC 3.0 Rules), the applicant certifies it is operating in compliance with the terms of the ATSC 3.0 Rules, including providing a simulcast signal of its primary ATSC 3.0 video programming stream in an ATSC 1.0 format and the terms of its Simulcasting Agreement. 47 CFR §§ 73.3801, 73.6029.

Unless otherwise permitted by the Commission’s rules, a licensee must receive express Commission authority to operate at variance from its licensed parameters. *See e.g.*, 47 CFR §§ 73.1615, 73.1635, 73.1680. An application that certifies “No” to this question must provide an explanatory exhibit.

## **CERTIFICATION**

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

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

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

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

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

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