

INSTRUCTIONS FOR FCC FORM 319

APPLICATION FOR A LOW POWER FM BROADCAST STATION LICENSE

GENERAL INSTRUCTIONS

- A. FCC Form 319 is used to apply for a new or modified low power FM (LPFM) broadcast station license. Specifically, it may be used:

To cover an authorized construction permit, provided that the facilities have been constructed in accordance with the provisions and conditions specified on the construction permit.

To replace a nondirectional antenna with a different type of nondirectional antenna with the same number of bays, **provided** that the radiation center height of the new antenna is not more than two meters above nor four meters below the currently licensed value. See 47 C.F.R. Section 73.875(c)(1)

To replace the transmission line with a different type of transmission line or a transmission line of a different length which requires a change in the transmitter power output to maintain the licensed effective radiated power. See 47 C.F.R. Section 73.875(c)(2).

To change the hours of operation of a station authorized to operate pursuant to a time-share agreement in accordance with 47 C.F.R. Section 73.872. See 47 C.F.R. Section 73.875(c)(3).

To amend a pending license application.

As ordered by the Commission or its staff.

The form **may not be used**:

To change location of the tower structure. Any such relocation requires the prior filing and approval of FCC Form 318. See 47 C.F.R. Section 73.875(b).

To increase the antenna radiation center height by more than two meters or decrease radiation center height by more than four meters from the value specified in the station's current construction permit or license. Any such modification requires the prior filing and approval of FCC Form 318. See 47 C.F.R. Section 73.875(c).

- B. The form consists of the following sections:

- I. General Information
- II. Legal Certifications

- III. Application to Cover a Construction Permit
- IV. Application to Modify Transmission Parameters of a Licensed Facility
- V. Application for Change in Hours of Operation
- VI. Engineering Specifications

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

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

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t.; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

- D. Applicants that prepare this application in paper form should file an original and two copies of the application and all exhibits. Both electronic and paper filers should follow the procedures set forth in Part 0 and Part 73 of the Commission's Rules. Paper-filed amendments to previously filed license applications should be prepared and submitted in original and two copies and signed in the same manner as the original application. The amendment should contain the following information to identify the associated application:

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

- E. Applicants should provide all information requested by this application. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted defective or incomplete applications are also

subject to dismissal.

Docket No. 98-43, 13 FCC Rcd 23,056, 23,064 (1998), ¶ 17.

- F. In accordance with 47 C.F.R. Section 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.
- G. This application requires applicants to certify compliance with certain statutory and regulatory requirements. These instructions provide additional information regarding Commission rules and policies. These materials are designed to highlight the standards and criteria which the Commission applies to determine compliance with its rules and policies, and thereby, increase the reliability of applicant certifications. These instructions are not intended to be a substitute for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions, they are not required to complete or retain any documentation created or collected to complete the application.
- H. This application is presented primarily in a "Yes/No" certification format. However, it contains appropriate places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. An applicant may only mark the "Yes" certification when it is 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 a certification question for which an exhibit can be submitted **will not** cause the immediate dismissal of the application, provided the exhibit is completed.
- I. **The applicant, or the applicant's legally authorized representative, must sign the application.** Depending on the nature of the applicant, the application should be signed as follows: if a partnership, by a general partner; if a corporation, by an officer; if 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 its client, but only in cases of the disability or absence from the United States of the applicant's legally authorized representative. In such cases, counsel must separately set forth why the application is not signed by such representative. 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 C.F.R. Section 73.3513. If the application is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM

SECTION I: GENERAL INFORMATION.

- A. **Question 1: Legal Name of the Applicant.** The name of the applicant must be stated exactly in Question 1. 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; and if an unincorporated association, the name of an executive officer, his/her office, and the name of the association.

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

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

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

Applicants hand-delivering FCC Form 319 may receive dated receipt copies by presenting an additional copy of the application to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application should be furnished and clearly marked as a "return copy." The applicant should attach this copy to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

- C. **Question 3: Station Location.** This must match the location listed on the station's current construction permit or license.
- D. **Question 4: Application Purpose.** This question asks whether the FCC Form 319 is being filed to cover an outstanding construction permit or to modify an authorized license.
- E. **Question 5: Program Test Authority.** FCC Form 319 may be filed for several purposes.

Stations operating pursuant to automatic program test authority. Applicants who are filing (1) license applications to cover construction permits that contain no program test restrictions or conditions or (2) license applications to modify existing licensed facilities **may immediately commence operations with the authorized facilities without prior Commission permission**, provided that, within 10 days of the

commencement of operations, FCC Form 319 is filed.

Requests for Program Test Authority. Applicants filing license applications to cover (1) construction permits that were issued pursuant to the successive license term procedures of 47 C.F.R. Section 73.872(d) or (2) construction permits that specifically restrict program test authority **may not commence operations** prior to the receipt of written authority from the Commission.

In order to obtain permission from the Commission to commence program test operations, the permittee must submit a completed FCC Form 319 with all exhibits to demonstrate compliance with the conditions on the construction permit, to the Commission at least 30 days prior to the date on which the permittee desires to commence program test operations. The permittee should mark the Question 4 box "Request for program test authority." The FCC will review the application and advise the permittee or licensee as to whether program test operations are authorized. See Section 73.1620(a)(5). The applicant may submit a courtesy copy of the application directly to the ASD (Mail Stop 1800B3) to expedite the processing of the request for program test authority.

SECTION II: LEGAL CERTIFICATIONS.

- A. **Question 1: Certification.** Each applicant is responsible for the information that the application instructions and worksheets convey. The Commission's streamlined broadcast licensing processes are premised on the accuracy and reliability of applicant certifications. Thus, each applicant must carefully review all instructions and worksheet materials prior to completing this application.
- B. **Question 2: Changed Circumstances.** This question requires the applicant to certify that all information provided in the underlying construction permit application remains correct. If any circumstance has arisen which would cause any statement or representation contained in the construction permit application to be incorrect, the applicant should respond "No" to Section II, Question 2 and provide an appropriate explanatory exhibit.
- C. **Question 3: Anti-Drug Abuse Act Certification.** This question requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Question 6 constitutes a certification that neither the

applicant nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

NOTE: With respect to this question, the term "party to the application" includes if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding voting stock or shares of the applicant; all members if a membership association; and if the applicant is a partnership, all general partners and all non-insulated limited partners.

SECTION III: APPLICATION TO COVER A CONSTRUCTION PERMIT.

Question 1: List construction permit file number.

Question 2: Constructed Facility: The applicant must certify that the facility was constructed as authorized in the underlying construction permit, or as an alternative, certify that any differences comply with the limitations set forth in Section 73.875. If the differences exceed those permitted under Section 73.875, **the permittee must file Form 318.**

Question 3: Special Operating Conditions: The special operating conditions are located on the final pages of the construction permit. Attach exhibits, if required, to document compliance with the special operating conditions. Please note, **SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY.**

SECTION IV: APPLICATION TO MODIFY TRANSMISSION PARAMETERS OF LICENSED FACILITY.

Question 1: List current license file number.

Question 2: Replacement of Antenna. Applicants proposing to replace a nondirectional antenna with another nondirectional must check "yes" for Question 2. **The new antenna must be mounted not more than two meters above nor four meters below the authorized values. See 47 C.F.R. Section 73.875(c)(1).**

Question 3: Replacement of Transmission Line. Applicants proposing to change transmitter power output as a result of modifying the transmission line system must check "yes" in Question 3. **The station's effective radiated power must not change. See 47 C.F.R. Section 73.875(c)(2).**

SECTION V: APPLICATION FOR CHANGE IN HOURS OF OPERATION.

Question 1: Time-share Parties. Pertinent data for all

stations operating pursuant to the common time-share agreement must be listed.

Question 2: Minimum Operating Schedule. The applicant must certify that the overall schedule for all stations listed in Question 1 complies with 47 C.F.R. Section 73.850(b).

SECTION VI: ENGINEERING SPECIFICATIONS.

E. **Tech Box:** The applicant must accurately specify the information requested in Questions 1, 2, and 3 of the Tech Box. Conflicting data found elsewhere in the application will be disregarded. All questions must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted below.

Question 1: Effective Radiated Power: The effective radiated power (ERP) of the station to be licensed. **This value must be either: (1) within the range specified on the construction permit being covered; or (2) the same as currently licensed. Once licensed, proposed changes in ERP must be submitted of Form 318.**

Question 2: Transmitter Power Output: The transmitter power output (TPO) necessary to produce the ERP indicated in Question 1 must be specified to the nearest watt.

TPO may be calculated by using the following formula:

$$\text{TPO} = (\text{Effective Radiated Power}) \div (\text{Antenna power gain multiplied by the Efficiency of Transmission Line System})$$

Remember to change percent values to decimal form before calculating TPO. For example, 86% becomes 0.86. Transmission line efficiency is always less than one.

Question 3: Antenna Data: Applicant must provide the manufacturer, model number, number of sections and the spacing between antenna sections, in wavelengths. For example:

Manufacturer:	ERI	Shively	Jampro
Model Number:	SHP-4AE	6810	JHCP-3
# of sections:	4	3	4
Spacing:	1.0	0.5	1.0

Question 4: Transmitter Power Output: The applicant must certify that the transmitter power output (TPO) produces the authorized effective radiated power.

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

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take 1.5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0938), Washington, DC 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0938.

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

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

The FCC is authorized under the Communications Act of

FOR
FCC
USE
ONLY

FCC 319

APPLICATION FOR A LOW POWER FM BROADCAST STATION LICENSE

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

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

2. Contact Representative (if other than licensee/permittee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

3. **Station Location:**

City	State
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4. **Purpose of Application:**

- Application for license to cover construction permit for LPFM station. **Complete Sections II, III, and VI.**
- Application for modification of transmission parameters of licensed facility (47 C.F.R. Section 73.875(c)). **Complete Sections II, IV, and VI.**
- Application for modification of hours of operation for licensed facility pursuant to changes in a time-share agreement (47 C.F.R. Section 73.875(e)). **Complete Sections II and V.**
- Amendment to a pending license application

If an amendment, **submit as an Exhibit** a listing by section and question number of the portions of the pending application that are being revised.

Exhibit No.

5. **Program Test Authority** (check one)

- Application for license to cover construction permit for LPFM subject to successive license term restrictions (47 C.F.R. Section 73.872(d)).

Stations subject to successive license term restrictions are not eligible for the automatic program test provisions of 47 C.F.R. Section 73.1620(a)(5). Such stations may commence program test operations only upon the receipt of written notification from the Commission.

List construction permit numbers and facility IDs for all facilities involved in the applicant's successive license term authorization.

Permit Number	Facility ID

- Application for license to cover construction permit for LPFM station subject to special operating conditions that restrict program test authority.

Applicants with construction permits that include program test authority conditions, other than those that relate to successive license term conditions, may commence program test operations only upon the receipt of written notification from the Commission.

- Stations operating pursuant to automatic program test authority.

Section II - Legal

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions. Yes No
2. **Changed Circumstances.** Applicant certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application now being incorrect. Yes No See Explanation in Exhibit No.
3. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. Yes No

The applicant certifies that the statements in this application are true, complete, and correct to the best of its knowledge and belief, and are made in good faith. The applicant acknowledges that all certifications and attached Exhibits are considered material representations. The applicant hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

Section III

APPLICATION TO COVER A CONSTRUCTION PERMIT.

1. **Original construction permit file number** (starts with the prefix BNPL or BPL). _____

2. **Constructed Facility.** The facility was constructed as authorized in the underlying construction permit. Yes No

See Explanation
in Exhibit No.

3. **Special Operating Conditions.** The facility was constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit. Yes No

See Explanation
in Exhibit No.

4. Complete Section VI.

Section IV

APPLICATION TO MODIFY TRANSMISSION PARAMETERS OF LICENSED FACILITY.

1. **License file number** (starts with the prefix BLL or BMLL). _____

2. **Replacement of antenna.** This application is being filed to authorize the replacement of the licensed nondirectional antenna with another nondirectional antenna within 2 meters above or 4 meters below the licensed antenna center of radiation. See 47 C.F.R. Section 73.875(c)(1). Yes No

3. **Replacement of transmission line.** This application is being filed to authorize a replacement of the transmission line that resulted in a change in licensed transmitter power output, but not effective radiated power. See 47 C.F.R. Section 73.875(c)(2). Yes No

4. Complete Section VI.

Section V

APPLICATION FOR CHANGE IN HOURS OF OPERATION.

1. **Time-share Parties.** Provide a list of all stations involved in time-share agreement and the proposed hours of operation for each. Each station must file an application for LPFM broadcast station license (FCC Form 319).

Call Sign	Facility ID Number	Hours

2. **Minimum Operating Schedule.** The applicant certifies that the combined schedule listed in 1. complies with 47 C.F.R. Section 73.850(b). Yes No

Section VI

ENGINEERING SPECIFICATIONS.

Applicants must list technical specifications accurately. Contradictory data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Effective Radiated Power: _____ watts

2. Transmitter Power Output: _____ watts

3. Antenna Data

Manufacturer	Model	Number of Sections	Spacing Between Sections (wavelength)

4. **Transmitter Power Output.** The applicant certifies that the operating transmitter power output specified in question 2., above, produces the effective radiated power specified in question 1., above.

Yes No

See Explanation
in Exhibit No.