

## Renewal Primer for Television Stations for Renewal Cycle Beginning June 2020

July 2022

This primer provides detailed guidance on the television station license renewal process.<sup>1</sup> Please have those involved in the license renewal process at your station take some time to review these materials. *Stations must begin their post-filing announcements on the date that their renewal application is filed.* Note that we are happy to set up a call with our clients to walk through this process and answer any questions. We are also glad to handle the mechanics of filing renewal applications through the FCC's Licensing Management System ("LMS").

### **SECTION I: THE BASICS**

The deadline by which a station is required to file its license renewal application is determined by the state in which the station is licensed. **Attachment A** contains a state-by-state list of license renewal application filing dates and license expiration dates.<sup>2</sup> After filing its license renewal application, a station must air post-filing announcements for one month.<sup>3</sup> Pre-filing announcements are no longer required.<sup>4</sup> **Section II** of this memorandum provides detailed guidance on the required post-filing announcements, the specific text required, and sample statements for certifying compliance with the public announcement requirements (**Attachments B-E**).

The license renewal application must be filed electronically through the FCC's LMS platform using FCC Form 2100/Schedule 303-S ("Form 303-S"). A sample copy of the Form 303-S from LMS is available at **Attachment F**, along with the FCC's instructions for the form.

The Form 303-S is presented in primarily a "Yes/No" format, and requires licensees to certify as to their compliance with certain FCC regulatory requirements during the preceding eight-year license term. For stations purchased in the midst of the preceding license term, your certifications only cover the period of time for which you held the license.

**Section III** of this memorandum provides a brief summary of each certification required by the Form 303-S. When completing the application, only certify "Yes" to a question where you are certain that you have fully complied with the FCC's rules and policies. Otherwise, answer "No" and provide an explanatory exhibit. Note that a "No" response does not automatically preclude grant of your application. The Commission realizes that, over an eight-year span, licensees may make errors. Although a "No" certification may result in a fine, the penalty for a false certification is far greater. The agency has fined broadcasters thousands of dollars for making inaccurate certifications.

While addressed in only one certification, the "Local Public File" question in the renewal application, which includes the online political file, requires particular attention. **Section IV** of this memorandum

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<sup>1</sup> Additional information can be found on the FCC's website at <https://www.fcc.gov/media/television/broadcast-television-license-renewal>.

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

<sup>3</sup> *Media Bureau Announces Effective Date of New Local Public Notice Rules*, Public Notice, DA 20-1289 (rel. October 30, 2020); *Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications*, Second Report and Order, FCC 20-65 (2020).

<sup>4</sup> *Pre-Filing Announcement Requirements 2020-2023 Renewal Applications*, Order, DA 20-511 (rel. May 13, 2020).

provides detailed guidance on the steps a station should take to ensure that its online public inspection file is complete and that this question is answered accurately.

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

## **SECTION II: PUBLIC ANNOUNCEMENTS/NOTICES<sup>5</sup>**

### ***Full-Power Television Stations, Class A Television Stations, and Low Power Television Stations Originating Local Programming***

#### Post-Filing Announcements

After your license renewal application is filed, you must broadcast notice of the filing a total of six times – at least once per week for four consecutive weeks, with no more than two announcements per week, beginning no later than five business days following the release of the Commission public notice announcement of the acceptance of the application for filing.<sup>6</sup> **All on-air announcements must be broadcast between 7:00 a.m. and 11:00 p.m. local time.**

**Attachment B** contains the FCC’s mandatory post-filing announcement text for full-power television stations and Class A television stations. **Attachment C** contains mandatory post-filing announcement text for low power television stations. We can assist you with filling in the blanks prior to the date your announcements must begin. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language. In addition, the text of the announcement must be presented on-screen during the verbal broadcast of the announcement.

#### Certification

Within seven days of broadcasting the last post-filing announcement, full-power and Class A television stations must upload a statement certifying compliance with the public announcement requirement to the station’s online public inspection file. The statement must set forth the dates and times that the post-filing notices were broadcast and provide the texts of the announcements. The certification does not need to include the text of the announcement.

**Attachment D** contains a sample certification.

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<sup>5</sup> The requirements discussed in this section are found in Section 73.3580 of the Commission’s rules, 47 C.F.R. § 73.3580.

<sup>6</sup> Because it can be onerous to track publication of the public notice by the FCC, we recommend that stations begin broadcasting post-filing announcements on the day their license renewal application is due.

## ***TV Translators and LPTV Stations Not Originating Local Programming***

### Newspaper Notice

Low power television stations not originating local programming and television translators are **not** required to broadcast post-filing announcements. Instead, the public notice requirements for such stations are as follows:

- Under the Commission’s online public notice rule, low power television stations that do not originate local programming are no longer required to publish a post-filing announcement in a local newspaper. Instead, they must make the post-filing announcement available online. The notice should be posted, in order of availability, on: (1) the website of the applicant station, (2) the website of the applicant station’s licensee, or (3) the website of the applicant station’s parent entity. If there is no applicant-affiliated website, then see below for further instructions. For a station or affiliated website, the station must insert a tab or link on the website homepage labeled “FCC Applications” that links to a separate page containing the text of the notice. If the station has no pending applications, then the webpage should note this. Moreover, the webpage should contain a timestamp that reflects when the page was last updated. **Attachment E** contains the recommended text for this notice.

If there is no applicant-affiliated website, then the notice must be published on a locally targeted, publicly accessible website, which the Commission defines as a website that (a) members of the public can access without payment, registration, or any other requirement that the user provide information or respond to a survey or questionnaire in exchange for being able to access the online notice, and (b) is locally targeted to the area served and/or to be served by the applicant station (e.g., local government website, local community bulletin board website, local newspaper website, state broadcasters’ association website).<sup>7</sup>

- If a television translator station is not renewed with the primary station<sup>8</sup> that it rebroadcasts, then that station must similarly publish an online post-filing announcement. **Attachment E** contains the recommended text for this notice. Television translator stations that are renewed on the same Form 303-S as the primary station being rebroadcast do not need to compose a post-filing announcement.

## **SECTION III: LICENSE RENEWAL APPLICATION CERTIFICATIONS**

The certifications in the Form 303-S pertain to the licensee (e.g., the applicant) and “any party to the application.”<sup>9</sup> Each certification in the renewal application is summarized below.

**Character Issues.**<sup>10</sup> This certification asks the licensee to confirm that:

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<sup>7</sup> *Online Notice Order*, FCC 20-65 at ¶ 12.

<sup>8</sup> Television translators may only be renewed on the same application form as the primary station it rebroadcasts when they are commonly owned and either (1) they are licensed in the same state as the primary station or (2) they are licensed in a state that has the same TV license expiration date as the primary station. Translators located in separate states from the primary station that is being rebroadcasted may not file on the same Form 303-S as the primary station if the translator has an earlier or later license expiration date.

<sup>9</sup> In general, a “party to the application” is any individual or entity whose ownership interest in, or other relation to, an applicant is considered attributable pursuant to the FCC’s rules. Detailed guidance for determining those interests that are attributable is found in the instructions to the Form 303-S found in **Attachment F**. If you need assistance determining which individuals and/or entities are “parties to the application,” please contact the Wiley attorney who regularly handles your station matters.

<sup>10</sup> We are happy to make available upon request a questionnaire that can be forwarded to the relevant parties to inquire about the character and adverse findings issues raised in the Form 303-S.

- “Neither the licensee nor any party to the application has or has had any interest in, or connection with, any broadcast application in any proceeding where character issues were left unresolved, or were resolved adversely against the applicant or any party to the application”; and
- “Neither the licensee nor any party to the application has or has had any interest in, or connection with, any pending broadcast application in which character issues have been raised.”

These certifications are phrased in the negative; if the licensee has nothing to report, it would answer “Yes” to both questions. These two certifications ask for confirmation that character issues have not been raised in a pending application or were left unresolved or resolved adversely against the licensee or any party to the renewal application.

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

If there is nothing to report, the answer is “Yes”. If there has been such a finding, answer “No.”

**FCC Violations During the Preceding License Term.** This question asks the licensee to certify that “with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If ‘No’, the licensee must submit an explanatory exhibit providing complete descriptions of all violations.”

This certification requires the licensee to self-report whether the station has been found by the FCC or a court to have violated a Commission rule during the current license term (e.g., through the issuance of a Notice of Apparent Liability, Forfeiture Order, Notice of Violation or similar finding). Please note that in responding to these questions, stations should not self-disclose any violations not previously identified by the FCC, a court or other administrative body. If you have any questions about this certification, please contact us.

**Alien Ownership and Control.** This certification asks whether the licensee “complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.”

The licensee here must affirm that it complies with the FCC’s foreign ownership rules, which limit alien shareholders from (i) owning or voting more than 20% of capital stock (or equivalent equity) in a licensee or (ii) owning or voting more than a 25% interest in a licensee’s parent company without the FCC’s approval provided in a declaratory ruling.

**Non-Discriminatory Advertising Sales Agreements.** This question asks commercial licensees to certify that their “advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain non-discrimination clauses.” Noncommercial licensees should select “not applicable.”

The Commission prohibits discriminating on the basis of race or ethnicity in the sale of advertising time. Accordingly, all advertising agreements must contain a non-discrimination clause to this effect. For example, the following language would satisfy this certification: “[Licensee] will not discriminate in any contract for advertising on the basis of race or ethnicity, and all such contracts will be evaluated, accepted, negotiated, and completed without regard to race or ethnicity.” The licensee must have a reasonable basis for making this certification.

*Note: Many of the following certifications relate to a station's public file obligations. We encourage you to carefully review this section, as well as **Section IV – Local Public File**, prior to answering these certifications.*

**Biennial Ownership Report.** This question asks whether “the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission, as required.”

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

**Commercial Stations:** All commercial broadcast licensees were required to file Biennial Ownership Reports on FCC Form 323 by December 1 of odd-numbered years, beginning December 1, 2011, except as noted below. These reports provided data current as of October 1. The deadlines for the past biennial filings were extended:

- The deadline for the 2013 Biennial Ownership Reports was extended to December 20, 2013.
- The deadline for the 2015 Biennial Ownership Reports was extended to December 2, 2015.
- The deadline for the 2017 Biennial Ownership Reports was extended to March 2, 2018.
- The deadline for the 2019 Biennial Ownership Report was likewise extended until January 31, 2020.

Going forward, all commercial broadcast licensees should plan to file Biennial Ownership Reports in LMS by December 1 of odd-numbered years.

**Noncommercial Stations:** Until 2017, a noncommercial educational station was required to file Biennial Ownership Reports on FCC Form 323-E every two years, on the station's renewal anniversary date or, with the proper notice to the FCC, on the renewal anniversary date of a commonly owned station.

- In 2017, the FCC temporarily suspended the Biennial Ownership Report requirement such that noncommercial stations with February 1, April 1, June 1, August 1, or October 1, 2017 deadlines were not required to file Form 323-E by those deadlines.
- Instead, the Commission moved noncommercial educational licensees to the same filing schedule as commercial licensees. This meant that noncommercial licensees were required to file 2017 Biennial Ownership Reports by March 2, 2018.
- As with commercial licensees, the deadline for the 2019 Biennial Ownership Report was likewise extended until January 31, 2020.

Going forward, stations should plan to file Biennial Ownership Reports in LMS by December 1 of odd-numbered years.

**EEO Program.** This question asks the licensee whether:

- “The station's Broadcast EEO Program Report (FCC Form 396), has been filed with the Commission, as required”; and
- “The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required.”

You should refer to **Section VI** for more information on filing Form 396. Additionally, you may satisfy the second part of this question by providing a link on the station's website to a copy of the EEO report, or to the EEO report in the station's online public file.

**Local Public File.** This question asks the licensee to certify that “the documentation required by 47 C.F.R. Sections 73.3526 or 73.3527, as applicable, has been placed in its station's inspection file at the appropriate times.”

This question requires licensees to confirm that their online public inspection files are complete and that all required documents were timely uploaded by the applicable deadline. Because the local public file is maintained online, FCC staff (and potential petitioners seeking to challenge a station's renewal) can easily confirm a licensee's compliance. Accordingly, we encourage you to carefully review your online public inspection file to confirm that everything is in order well in advance of submitting your license renewal application. **Section IV** below provides additional guidance to assist you in responding to this question.

**Children's Programming.** The certifications in this section of the form cover several children's programming obligations. All certifications cover the entire license term (8 years):

- The first certification asks the licensee to certify that “it has complied with the limits on commercial matter.” The limits are no more than 12 minutes of commercial matter per hour during children's programming on weekdays and no more than 10.5 minutes of commercial matter per hour during children's programming on weekends.
  - If the station has not complied, answer “No” and provide an exhibit explaining any overages.
- The second certification asks the licensee to certify that “it has filed with the Commission, and incorporates by reference, the Children's Television Programming Reports (FCC Form 2100, Schedule H).”<sup>11</sup>
  - In response to this question, the station should affirm whether it has *timely filed* all children's television programming reports by the appropriate deadline. Note that until October 2019, this was a quarterly filing obligation. Beginning in January 2020, this changed to an annual filing obligation. See **Section IV** below for additional information.
- The third certification asks the licensee to certify that “the station has complied with the Core Programming criteria and Core Programming Processing Guidelines, as required by the Commission's rules that were in effect at the time the Core Program was aired.”
  - In responding to this question, the station must affirm whether it provided an average of 3 hours per week of CORE children's programming (averaged over a six-month period). Until October 2019, all stations were required to offer at least 3 hours per week of CORE children's programming on each of its programming streams. New rules took effect in October 2019 that, among other things, adopted alternate methods for a station to comply with the CORE programming requirement and removed the requirement to offer CORE programming on multicast streams. Please contact us if you are unsure if your station is compliant.
- The fourth certification in this section asks whether the station identifies each CORE Program aired at the beginning of the airing of each program using the E/I bug, as required.

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<sup>11</sup> The Children's Television Programming Report was formally filed on Form 398 and the current form is often referred to as such.

- The fifth certification asks whether the licensee “provides information identifying each CORE Program aired on its station to publishers of program guides.”
- The sixth and final certification asks the licensee to certify that “that prior to January 21, 2020, it publicized the existence and location of the station's Children's Television Programming Reports (FCC Form 2100, Schedule H).”

**Continued Class A Eligibility.** Low power television stations that have been granted Class A status must affirm that they remain eligible to be Class A stations. Accordingly, this question asks such stations to certify that they broadcast (a) a minimum of 18 hours a day, and (b) average at least 3 hours per week of locally produced programming. Class A stations should have affirmed compliance with these requirements by placing a quarterly certification in their online public files.

**Discontinued Operations.** This question asks the licensee to certify that “during the preceding license term, the station has not been silent for any consecutive 12-month period.”

Commission rules require that a license be automatically forfeited, absent exceptional circumstances, if the station is silent for a consecutive 12-month period. This certification requires that the station affirm it was not silent for this period of time.

**Silent Station.** This question asks the licensee whether “the station is currently on the air broadcasting programming intended to be received by the public.”

The Commission will only grant a license renewal for a station that is operating. If the station is currently silent, it should answer this question “No”. Once it resumes operations, it should amend the Form 303-S to affirm it is no longer silent.

**Environmental Effects.** This question asks the licensee to certify that “the specified facility complies with the maximum permissible radio frequency electronic magnetic exposure limits for controlled and uncontrolled environments.”

You should plan ahead, as this certification may require hiring a consulting engineer to assist you with determining whether your station’s operations comply with the FCC’s radiofrequency (RF) limits.

If, in the time period since the FCC last reviewed an RF study for your station, there has not been a material change to your station’s transmission system (e.g., a change that would require submission of an RF study to the Commission) or the surrounding RF environment, or if an evaluation conducted by an engineer using the attached forms demonstrates that you are in compliance, then you may certify “Yes.” You need not include an exhibit demonstrating compliance.

**Adherence to Minimum Operating Schedule.** This question asks the licensee to certify that “during the preceding license term the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days.”

**Adherence to Operating Parameters.** This question asks the licensee to certify that “the preceding license term, the station has operated pursuant to authorized operating parameters, either pursuant to the terms of its license, special temporary authority, or as otherwise permitted under the Commission’s rules.”

## **SECTION IV: ONLINE PUBLIC INSPECTION FILE**

As noted above, the license renewal form requires stations to certify whether the material required under the FCC’s public inspection file rule was timely placed in (i.e., uploaded to) the station’s online public inspection file “at the appropriate times.” Licensees who cannot answer “Yes” must provide an explanation. Before making this certification, carefully review your online public inspection file and confirm:

- that the required material is in the online public file, and
- that it was uploaded by the relevant deadline.

Some of the material required to appear in the online public inspection file is uploaded automatically by the FCC, such as when the station files its Children’s Television Programming Reports. Additionally, the FCC uploads material such as Biennial Ownership Reports and television contour maps.<sup>12</sup>

The following material must be manually uploaded by the station:

- Quarterly Issues/Programs Lists;
- Children’s Programming Commercial Limits Certifications;
- Class A Certification (if applicable);
- A list of contracts related to ownership or control of the station (e.g., bylaws, articles of incorporation, network affiliation contracts, certain financing agreements);
- Political file material (e.g., information related to candidate advertisements and issue advertisements);
- Annual EEO Public File Report;
- Materials relating to FCC investigations or complaints;
- Citizen agreements (if any); and
- Time brokerage agreements/joint sales agreements (note: confidential material may be redacted prior to upload).

Also, as discussed above, a full-power station must upload information to its online public inspection file confirming compliance with the FCC’s local public notice requirements for renewal applications.

**Attachment G** (available upon request) is a client memo that addresses the online public inspection file in more detail. Although we encourage you to review your entire online public file for completeness, particular attention should be given to the following materials (discussed further below): The Political File; Quarterly Issues/Programs Lists, Records Concerning Children’s Programming Commercial Limits, Children’s Television Programming Reports, Annual EEO Public File Reports, and Biennial Ownership Reports.

#### The Political File

During the course of the current radio renewal file, it has become clear that the FCC is paying particular attention to the completeness of the online political file, and particularly to whether materials have been uploaded timely. This file must include materials for the general and primary elections for the past two (2) years. Section 73.1943 of the FCC’s rules requires that material in the Political File be kept as a

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<sup>12</sup> Material that should automatically appear in the online public inspection file includes: a copy of the current FCC authorization to operate the station; applications and related materials; contour maps; ownership reports (biennial/consummation); and a copy of the manual *The Public and Broadcasting*. Although this material *should* appear automatically, a station is responsible for ensuring the completeness of its online public inspection file and should therefore check it carefully to confirm all required material is present.

“complete and orderly record.” Records must be inserted “as soon as possible,” which the Commission has interpreted to mean within one business day.

#### Quarterly Issues/Programs Lists

Issues and Programs lists must be prepared quarterly and uploaded to the online public file.<sup>13</sup> These lists should identify the issues of greatest relevance to the community and describe what programming the station offered that was responsive to these issues. The online public file must contain Issues and Program Lists for the current eight (8) year license term.

#### Records Concerning Commercial Limits

For commercial and Class A broadcast television stations, you must include a certification in the online public file that demonstrates compliance with the children’s programming commercial limits established in Section 73.670 of the Commission’s rules.<sup>14</sup> Prior to January 2020, this certification was required to be uploaded to the online public file on a quarterly basis. Beginning in 2020 and going forward, this certification must be uploaded on an annual basis—by January 31 for the prior year.<sup>15</sup> The online public file must contain commercial limits records covering the current eight (8) year license term.

#### Children’s Television Programming (“KidVid”) Reports

Prior to October 2019, KidVid reports (formerly file on Form 398 and now filed on Form 2100, Schedule H) were filed via LMS on a quarterly basis. Following substantial changes made to the Commission’s children’s programming rules in July 2019, KidVid reports must now be completed on an annual basis. The first annual report, covering the time period September 16, 2019-December 31, 2019 was due by March 30, 2020. Now, this report is due on an annual basis by January 31 for the preceding year (e.g., the 2020 Report will be due by January 31, 2021).

Once submitted, the FCC should automatically make a copy of the filed KidVid Report available in the station’s online public file. The report must identify programs aired by the station that are specifically designed to serve the educational and informational needs of children. The online public file must contain KidVid Reports covering the eight (8) year license term.

#### Annual EEO Public File Reports

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

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<sup>13</sup> Quarterly filings are due ten days after the end of the quarter: January 10, April 10, July 10, October 10. If the 10<sup>th</sup> day falls on a weekend or holiday, the report is due in the online public file on the next business day. Wiley has a client memo that addresses issues/programs requirements in more detail. If you would like a copy, please contact the Wiley attorney who regularly handles your station matters.

<sup>14</sup> Children’s programming refers to programs originally produced for children 12 years or younger. Section 73.670 provides that “[n]o commercial television broadcast station licensee shall air more than 10.5 minutes of commercial matter per hour during children’s programming on weekends, or more than 12 minutes of commercial matter on weekdays.” 47 C.F.R. § 73.670(a).

<sup>15</sup> Quarterly filings are due ten days after the end of the quarter: January 10, April 10, July 10, October 10. If the 10<sup>th</sup> day falls on a weekend or holiday, the report is due in the online public file on the next business day. Annual filings are due on January 31 for the prior year (e.g., the certification for 2020 will be due in the online public file on January 31, 2021).

participation in job fairs, internships, etc. **Attachment I** provides a template you can use to create the required annual reports.

If you have any doubt about the completeness of your online public inspection file, you should address the matter as soon as possible so that corrective steps can be taken prior to filing the renewal application.

## **SECTION V: OTHER BROADCAST STATIONS**

Low power television stations and TV translator stations that are co-owned with primary television stations in the same state and that rebroadcast the primary station's signal may file for license renewal on a single application with the primary station provided the stations are located in the same state or have the same license expiration date. Low power television stations and TV translator stations located in a different state (or with a different license expiration date) than the primary television station that it rebroadcasts must file a separate license renewal application.

To add an associated low power television or TV translator station to a primary station application, input "Yes" for the "Other Broadcast Stations" question in the section following "DTV/Class A Certification." You will then be prompted to add applicable low power television stations and TV translators.

## **SECTION VI: PREPARATION AND FILING OF FORM 396**

### ***General Information***

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

### ***Station Employment Unit***

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

### ***Discrimination Complaints***

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

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

***Annual EEO Public File Reports***

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

***Miscellaneous Matters***

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

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

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

**ATTACHMENT A**

**Television STATION LICENSE RENEWAL DATES  
(JUNE 2020 THROUGH APRIL 2023)**

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

<p align="center"><b>June 1, 2020</b></p> <p align="center">(10/1/20)</p> <p align="center"><b>6/1/16</b></p> <p align="center">DC Maryland Virginia West VA</p>	<p align="center"><b>Aug. 1, 2020</b></p> <p align="center">(12/1/20)</p> <p align="center"><b>8/1/16</b></p> <p align="center">N. Carolina S. Carolina</p>	<p align="center"><b>Oct. 1, 2020</b></p> <p align="center">(2/1/21)</p> <p align="center"><b>10/1/16</b></p> <p align="center">Florida Puerto Rico Virgin Islands</p>	<p align="center"><b>Dec. 1, 2020</b></p> <p align="center">(4/1/21)</p> <p align="center"><b>12/1/16</b></p> <p align="center">Alabama Georgia</p>	<p align="center"><b>Feb. 1, 2021</b></p> <p align="center">(6/1/21)</p> <p align="center"><b>2/1/17</b></p> <p align="center">Arkansas Louisiana Mississippi</p>	<p align="center"><b>Apr. 1, 2021</b></p> <p align="center">(8/1/21)</p> <p align="center"><b>4/1/17</b></p> <p align="center">Indiana Kentucky Tennessee</p>
<p align="center"><b>June 1, 2021</b></p> <p align="center">(10/1/21)</p> <p align="center"><b>6/1/17</b></p> <p align="center">Michigan Ohio</p>	<p align="center"><b>Aug. 1, 2021</b></p> <p align="center">(12/1/21)</p> <p align="center"><b>8/1/17</b></p> <p align="center">Illinois Wisconsin</p>	<p align="center"><b>Oct. 1, 2021</b></p> <p align="center">(2/1/22)</p> <p align="center"><b>10/1/17</b></p> <p align="center">Iowa Missouri</p>	<p align="center"><b>Dec. 1, 2021</b></p> <p align="center">(4/1/22)</p> <p align="center"><b>12/1/17</b></p> <p align="center">Colorado Minnesota Montana N. Dakota S. Dakota</p>	<p align="center"><b>Feb. 1, 2022</b></p> <p align="center">(6/1/22)</p> <p align="center"><b>2/1/18</b></p> <p align="center">Kansas Nebraska Oklahoma</p>	<p align="center"><b>Apr. 1, 2022</b></p> <p align="center">(8/1/22)</p> <p align="center"><b>4/1/18</b></p> <p align="center">Texas</p>
<p align="center"><b>June 1, 2022</b></p> <p align="center">(10/1/22)</p> <p align="center"><b>6/1/18</b></p> <p align="center">Arizona Idaho Nevada New Mexico Utah Wyoming</p>	<p align="center"><b>Aug. 1, 2022</b></p> <p align="center">(12/1/22)</p> <p align="center"><b>8/1/18</b></p> <p align="center">California</p>	<p align="center"><b>Oct. 1, 2022</b></p> <p align="center">(2/1/23)</p> <p align="center"><b>10/1/18</b></p> <p align="center">Alaska Guam Hawaii Oregon Samoa Washington</p>	<p align="center"><b>Dec. 1, 2022</b></p> <p align="center">(4/1/23)</p> <p align="center"><b>12/1/18</b></p> <p align="center">Connecticut Maine Mass. N. Hampshire Rhode Island Vermont</p>	<p align="center"><b>Feb. 1, 2023</b></p> <p align="center">(6/1/23)</p> <p align="center"><b>2/1/19</b></p> <p align="center">New Jersey New York</p>	<p align="center"><b>Apr. 1, 2023</b></p> <p align="center">(8/1/23)</p> <p align="center"><b>4/1/19</b></p> <p align="center">Delaware Penn.</p>

## **ATTACHMENT B**

### **POST-FILING ANNOUNCEMENT TEXT FOR FULL-POWER TV STATIONS AND CLASS A TV STATIONS**

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for renewal of its broadcast license. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit [publicfiles.fcc.gov](http://publicfiles.fcc.gov) and search in [STATION CALL SIGN'S] public file.

## **ATTACHMENT C**

### **POST-FILING ANNOUNCEMENT TEXT FOR LPTV STATIONS ORIGINATING PROGRAMMING**

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for renewal of its broadcast license. Members of the public wishing to view this application or obtain information about how to file comments and petitions can visit [www.fcc.gov/stationsearch](http://www.fcc.gov/stationsearch), and search in the list of [STATION CALL SIGN'S] filed applications.

**ATTACHMENT D**

**CERTIFICATION CONCERNING POST-FILING ANNOUNCEMENTS FOR FULL-POWER TV STATIONS, CLASS A TV STATIONS, AND LPTV STATIONS ORIGINATING PROGRAMMING**

The undersigned hereby certifies that station \_\_\_\_\_ [call sign, city of license, state], licensed to \_\_\_\_\_ [name of licensee] broadcast the required post-filing announcements at least once per week for four consecutive weeks following the filing of its license renewal application on the following dates and times:

Date	Time

Licensee: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

**NOTE: Executed certificate to be uploaded to the online public inspection file no later than 7 days after last air date set forth above.**

## ATTACHMENT E

### PUBLIC NOTICE TEXT FOR TV TRANSLATORS AND LPTV STATIONS NOT ORIGINATING PROGRAMMING

On [DATE], [APPLICANT NAME], [PERMITTEE / LICENSEE] of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for renewal of its broadcast license. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit [INSERT HYPERLINK TO APPLICATION LINK IN APPLICANT'S ONLINE PUBLIC INSPECTION FILE (OPIF) OR, IF THE STATION HAS NO OPIF, TO APPLICATION LOCATION IN THE MEDIA BUREAU'S LICENSING AND MANAGEMENT SYSTEM].

**ATTACHMENT F**

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



(REFERENCE COPY - Not for submission)

## Renewal of License

File Number: 0000192375 | Submit Date: 06/01/2022 | Call Sign: **KASY-TV** | Facility ID: **55049** | FRN: 0004284899 | State: **New Mexico** | City: **ALBUQUERQUE**  
Service: **DTV** | Purpose: **Renewal of License** | Status: **Submitted** | Status Date: **06/01/2022** | Filing Status: **Active**

### General Information

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

### Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	

**Contact  
Representatives  
(1)**

Contact Name	Address	Phone	Email	Contact Type
Gregory L. Masters , Esq . Wiley Rein LLP	2050 M Street, N.W. Washington, DC 20036 United States	+1 (202) 719- 7370	gmasters@wiley. law	Legal Representative

**Renewal  
Certification**

Section	Question	Response
Character Issues	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, any broadcast application in any proceeding where character issues were left unresolved, or were resolved adversely against the applicant or any party to the application;	■
	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, any pending broadcast application in which character issues have been raised..	■
Adverse Findings	Licensee certifies that, with respect to the licensee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	■
FCC Violations during the Preceding License Term	Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If "No", the licensee must submit an explanatory exhibit providing complete descriptions of all violations.	■
Ownership	The licensee certifies that, with respect to the station(s) for which renewal is requested, it complied with 47 CFR Section 73.3555.	■
Alien Ownership and Control	Licensee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	■
Non-Discriminatory Advertising Sales Agreements	Commercial licensee certifies that its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain non-discrimination clauses. Noncommercial licensees should select "not applicable."	■

DTV/Class A  
Certification

Section	Question	Response
Biennial Ownership Report	Licensee certifies that the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission, as required by 47 CFR Section 73.3615.	■
EEO Program	The station's Broadcast EEO Program Report (Form 2100, Schedule 396), has been filed with the Commission as required by 47 CFR Section 73.2080(f)(1).	■ File Number: ■■■■■■
	The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 CFR Section 73.2080(c)(6).	■
Online Public Inspection File	Licensee certifies that the documentation required by 47 CFR Sections 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file when required.	■
Children's Programming Commercial Limitations	For the period of time covered by this application, the licensee certifies that it has complied with the limits on commercial matter as set forth in 47 CFR Section 73.670 and the Commission's commercial limit policies related to host-selling and program-length commercials.	■
Children's Television Programming Reports	For the period of time covered by this application, the licensee certifies that it has filed with the Commission, and incorporates by reference, the Children's Television Programming Reports (FCC Form 2100, Schedule H) as described in 47 CFR Section 73.3526, containing all required information.	■
Core Programming Processing Guidelines	For the period of time covered by this application, the licensee certifies that the station has complied with the Core Programming criteria and Core Programming Processing Guidelines, as required by the Commission's rules that were in effect at the time the Core Program was aired.	■
E/I Symbol	The licensee certifies that, as required by 47 CFR Section 73.671(c)(5), it identifies each Core Program using the E/I symbol throughout the airing of each program.	■
Notifying Publishers Of Program Guides	The licensee certifies that it provides information identifying each Core Program aired on its station to publishers of program guides, as required by 47 CFR Section 73.673.	■
Publicizing Children's Reports	The licensee certifies that prior to January 21, 2020, it publicized the existence and location of the station's Children's Television Programming Reports (FCC Form 2100, Schedule H) as required by 47 CFR Section 73.3526 (e)(11)(ii).	■
Continued Class A Eligibility	Licensee certifies that its station does, and will continue to, broadcast: (a) a minimum of 18 hours per day; and (b) an average of at least 3 hours per week of programming each quarter produced within the market area served by the station, or by a group of commonly controlled low power or Class A stations whose predicted noise-limited contours are contiguous. See 47 CFR Section 73.6001.	■
Discontinued Operations	Licensee certifies that during the preceding license term, the station has not been silent for any consecutive 12-month period.	■
Silent Stations	Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public.	■

<b>Environmental Effects</b>	Licensee certifies that the specified facility complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments.	■
<b>Adherence to Minimum Operating Schedule</b>	Licensee certifies that during the preceding license term the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days.	■
<b>Adherence to Operating Parameters</b>	Licensee certifies that during the preceding license term, the station has operated pursuant to authorized operating parameters, either pursuant to the terms of its license, special temporary authority, or as otherwise permitted under the Commission's rules.	■

**Other BroadCast  
Stations**

Section	Question	Response
Other BroadCast Stations	Does this application include one or more FM translator station(s) or TV translator station(s) or LPTV station(s), in addition to the station listed at the top of this section?	No

**FM Translator  
Certifications**

You have not selected any Other Broadcast Station.

**TV Translator/  
LPTV  
Certifications**

You have not selected any Other Broadcast Station.

Certification

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

**Attachments**

File Name	Uploaded By	Attachment Type	Description
<u>Mission - KASY-TV Exhibit for 2022 License Renewal Application.pdf</u>	Applicant	DTV/Class A Certifications	

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

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

### *GENERAL INSTRUCTIONS*

**Introduction.** Form 2100, Schedule 303-S (Schedule 303-S) is used to apply for renewal of license of a commercial or noncommercial educational AM, FM, TV, Class A TV, FM translator, TV translator, Low Power TV or Low Power FM broadcast station. It is also used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary AM, FM, TV or LPTV station.

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

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

FCC Rules may be purchased from the Government Publishing Office. Current prices and purchasing information may be obtained from the GPO Bookstore Website at <https://bookstore.gpo.gov/>. An up-to-date electronic version of Title 47 of the CFR may be accessed at [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title47/47tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title47/47tab_02.tpl).

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

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

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

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

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

*All previous editions obsolete.*

Form 2100, Schedule 303-S Instructions  
March 2019

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

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

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

Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus, a "No" response to any of the certification items will not cause the immediate dismissal of the application provided that an appropriate explanatory attachment is submitted.

**License Term.** Except as specifically noted to the contrary in Schedule 303-S or these instructions, each certification covers the entire license term. However, if the station license was assigned or transferred during the subject license term pursuant to a "long-form" application on FCC Form 314 or 315 (or any successor application forms that the Commission releases), the renewal applicant's certifications should cover only the period during which the renewal applicant held the station's license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### GENERAL INFORMATION

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

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

#### FEES, WAIVERS, AND EXEMPTIONS

**Fees:** The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking to renew the license for a commercial AM, FM, TV, Class A TV, FM translator, TV translator or Low Power TV station are required to submit a fee with the filing of Schedule 303-S. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempted from this fee are licensees of full-service noncommercial educational radio and TV broadcast stations, and Low Power FM stations, **provided** that the proposed facility will be operated noncommercially. (This includes licensees of noncommercial educational FM and full service TV broadcast stations seeking renewal of the licenses for their translator or low power TV stations, provided those stations operate on a noncommercial educational basis.) Low Power TV or TV Translator stations that rebroadcast the programming of a primary noncommercial educational station, but are not co-owned by the licensee of such a station, are required to file fees. Renewal applications that earlier obtained either a fee refund because of an NTIA facilities grant for the stations or a fee waiver because of demonstrated compliance with the eligibility and service requirements of 47

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

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

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

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

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

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

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

#### APPLICANT INFORMATION

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

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

#### CONTACT REPRESENTATIVES

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

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

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

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

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

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

## RENEWAL CERTIFICATIONS

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

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

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

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

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

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

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

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

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

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

#### AM/FM/LPFM CERTIFICATIONS:

**Biennial Ownership Report.** This question asks the renewal applicant to certify that it has filed with the Commission the biennial ownership reports required by 47 CFR § 73.3615. Each licensee of a commercial AM, FM, or TV broadcast station shall file an Ownership Report on FCC Form 323 (commercial) every two years. The Ownership Report must be filed by December 1 in all odd-numbered years. *See* 47 CFR § 73.3615(a). Each licensee of a noncommercial educational AM, FM, or TV broadcast station shall file an Ownership Report on FCC Form 323-E (noncommercial) every two years. The Ownership Report must be filed by December 1 in all odd-numbered years. *See* 47 CFR § 73.3615(d).

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

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

Additionally, for employment units employing five or more full-time employees, each licensee must place in the station’s public inspection file annually, and post on the station’s website, a Broadcast EEO Public File Report containing (1) a list of all full-time vacancies filled during the preceding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to Section 73.2080 (c)(1)(ii), which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken

pursuant to Section 73.2080(c)(2) during the preceding year. Certify that the Broadcast EEO Public File Report has been posted on the station's Website by selecting "Yes" to this item.

**Online Public Inspection File.** Commercial and noncommercial educational AM and FM licensees must upload certain documents pertaining to each station in an online public inspection file hosted by the FCC at <https://publicfiles.fcc.gov>. The documents to be maintained generally include applications for a construction permit and for license renewal, assignment or transfer of control; ownership and employment reports; quarterly lists of the community issues most significantly addressed by the station's programming during the preceding three months; and the station's political file as specified in 47 CFR § 73.1943. A complete listing of the required documents and their mandatory retention periods is set forth in 47 CFR §§ 73.3526 and 73.3527. Applicants that have not so maintained their file should provide an exhibit identifying the items that are missing/late filed, and list the steps taken to reconstruct missing information, as well as the procedures adopted to prevent such problems in the future.

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

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

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

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

**Silent Station.** The Commission will not renew the license of a station that is not broadcasting. *See Birch Broadcasting Corporation*, 16 FCC Rcd 5015 (2001); 47 U.S.C. § 153(6). Accordingly, this item requires the applicant to certify that its commercial AM or FM broadcast station is currently transmitting signals intended to be received by the public. An application may not answer "Yes" to this question if the station is transmitting only "test signals."

*Note:* (i) Noncommercial educational FM stations, while authorized for limited-time operation, are required to operate at least 36 hours per week, consisting of at least 5 hours of operation on at least 6 days of the week. Stations licensed to educational institutions are not required to operate on Saturday or Sunday or observe the minimum operating requirements during those days when school is not in session. *See* 47 CFR § 73.561(a).

Licenses of noncommercial educational FM applicants adhering to these requirements may answer “Yes” to this question whether or not the station is on the air on the particular day on which the license renewal application is submitted electronically.

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

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

**Discontinued Operation.** Section 312(g) of the Communications Act of 1934, 47 U.S.C. § 312(g), states that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station license expires automatically, by operation of law, at the end of that 12-month period. The Commission has the discretion to reinstate a broadcast license that has expired pursuant to Section 312(g) to promote “equity and fairness,” but has exercised that statutory discretion only when the failure to timely resume broadcasts was for a compelling reason beyond the licensee’s control. A station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. See *Eagle Broadcasting Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009). Accordingly, this item requires the licensee to certify that the station was not silent for any consecutive 12-month period during the preceding license term. By answering “Yes” to this question, the applicant certifies that (1) it was not silent for any consecutive 12-month period during the preceding license term; and (2) if the station was silent for any period of time during the preceding license term, it resumed broadcasting *with authorized facilities* before 12 months from the date on which that station went silent. If the applicant cannot make this certification, it should answer the question “No” and provide an explanatory exhibit.

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

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

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

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

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

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

Worksheets ## XX and XX will enable certain categories of stations to determine whether or the proposed facility will have a significant environmental impact as defined by Section 1.1307. All applicants can use the General Environmental worksheet. Some, but not all, stations will be able to use the RF worksheet. Generally, the RF worksheet can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, in order to be eligible to use the RF worksheet, access to AM stations must be restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs must be posted at appropriate intervals describing the potential for RF exposure. Click the "Worksheets" link in the application for more detail on eligibility.

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

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

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

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

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

#### **OTHER BROADCAST STATIONS**

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

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

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

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

## FM TRANSLATOR CERTIFICATIONS

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

Section 325(a) of the Communications Act of 1934, as amended, prohibits the rebroadcast of the programs of a broadcast station without the express authority of the originating station. Where the renewal applicant is not the licensee of the originating station, written authority must be obtained prior to any rebroadcasting. Also, where the licensee has changed the station being rebroadcast, written notification must be made to the Commission in accordance with 47 CFR § 74.784 or § 74.1251.

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

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

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

**Licensee Compliance.** The provisions of 47 CFR § 74.1232(d) provide that an authorization for an “other area” FM translator (i.e., FM translator station whose coverage contour extends beyond the protected contour of the commercial FM primary station) will not be granted to the licensee or permittee of the primary commercial FM radio broadcast station, or to any person or entity having an interest or connection with the primary commercial FM radio broadcast station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates.

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

The provisions of 47 CFR § 74.1232(e) provide that an authorization for an “other area” FM translator station (i.e., FM translator whose coverage contour extends beyond the protected contour of the commercial primary

station) shall not receive any support, before, during, or after construction, either directly or indirectly, from the commercial primary FM radio broadcast station, or from any person or entity having an interest or connection with the primary FM station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members, business associates, and advertisers. Since the primary station financial support and technical assistance prohibition of Section 74.1232(e) does not apply to “fill-in” FM translators, applicants proposing to rebroadcast the signal of an AM primary station should mark “N/A” to this question.

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

*Note:* Licensees are reminded that the Commission retains the authority to revoke any station or translator station license for a licensee’s failure to satisfy the requirements of the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, or other environmental statute, regulation, or directive at the time it sought authorization for the original construction or modification of its broadcast facilities. 47 U.S.C. § 312(a)(2) (authorizing the revocation of a station license “because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application . . .”). See also FCC Form 2100, Schedule 301 Instructions, “Environmental Effects” section.

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

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

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

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

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

Worksheets ## XX and XX will enable certain categories of stations to determine whether or the proposed facility will have a significant environmental impact as defined by Section 1.1307. All applicants can use the General Environmental worksheet. Some, but not all, stations will be able to use the RF worksheet. Generally, the RF worksheet can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, in order to be eligible to use the RF worksheet, access to AM stations must be restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs must be posted at appropriate intervals describing the potential for RF exposure. Click the "Worksheets" link in the application for more detail on eligibility.

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

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

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

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

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

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

#### CERTIFICATION

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

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

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

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

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

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

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

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

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

#### **FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

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

We have estimated that each response to this collection of information will take from 1.25 to 12 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to [pra@fcc.gov](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.**

**ATTACHMENT G**

**ONLINE PUBLIC INSPECTION FILE MEMO**  
*(available upon request)*

**ATTACHMENT H**  
**FCC FORM 2100/SCHEDULE 396**



(DRAFT COPY - Not for submission)

### Broadcast Equal Employment Opportunity Program Report

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

#### General Information

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

#### Licensee Information

##### Licensee Name, Type and Contact Information

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

#### Contact Representatives

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

#### Common Stations

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

#### Program Report Questions

Section	Question	Response
<b>Discrimination Complaints</b>	Have any pending or resolved complaints been filed during this license term before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in the employment practices of the station(s)?	[REDACTED]
<b>Full-time Employees</b>	Does your station employment unit employ fewer than five full-time employees? Consider as "full-time" employees all those permanently working 30 or more hours a week?	[REDACTED]

#### Certification

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

Certified Date

Certified Title

Authorized Party Name

**Attachments**

No Attachments.

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

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

### *GENERAL INSTRUCTIONS*

**Introduction.** Broadcast station licensees are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, national origin, religion, and sex. *See* 47 CFR § 73.2080. Form 2100, Schedule 396, is required to be filed at the time of renewal of license by all commercial and noncommercial educational AM, FM, and TV stations.

Pursuant to these rule requirements, a license renewal applicant whose station employment unit employs five or more full-time station employees must file a complete Form 2100, Schedule 396, responding to all questions and providing all required attachments, reporting its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed – an applicant employing fewer than five full-time employees in its station employment unit as of the date of filing need only respond “Yes” to the station employment unit question under “Full-time Employees” and complete the Certification at the end of Schedule 396, submit the Schedule to the Commission, and place a copy in the station’s online public file. If a station employment unit is filing a combined report, a copy of the report must be filed with each station’s renewal application.

A copy of the completed Schedule and all related documents shall be made available for inspection by the public in the station’s online public inspection file, pursuant to the requirements of 47 CFR § 73.3526(b). These actions are required to obtain license renewal. Failure to meet these requirements may result in sanctions or license renewal being delayed or denied. These requirements are contained in 47 CFR § 73.2080 and are authorized by the Communications Act of 1934, as amended.

**General Policy.** A broadcast station must provide equal employment opportunity to all qualified individuals without regard to their race, color, national origin, religion, or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination. A broadcast station must assign to a particular official overall responsibility for equal employment opportunity at the station.

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

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

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

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

*All previous editions obsolete.*

FCC Form 2100, Schedule 396 Instructions  
February 2019

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

## GENERAL INFORMATION

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

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

## LICENSEE INFORMATION

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

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

## CONTACT REPRESENTATIVE

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

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

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

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

## COMMON STATIONS

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

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

### PROGRAM REPORT QUESTIONS

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

Additionally, for employment units employing five or more full-time employees, each licensee must place in the station's online public inspection file annually, and post on the station's website, a report containing (1) a list of all full-time vacancies filled during the preceding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to Section 73.2080 (c)(1)(ii), which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

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

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

#### **ADDITIONAL PROGRAM REPORT QUESTIONS**

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

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

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

#### **CERTIFICATION**

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

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

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

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

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

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

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

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

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

#### **FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

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

We have estimated that each response to this collection of information will take 1.5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to [pra@fcc.gov](mailto:pra@fcc.gov) or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0113), Washington, DC 20554. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0113.

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

**ATTACHMENT I**  
**EEO PUBLIC FILE REPORT TEMPLATE**



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

\_\_\_\_\_, 20\_\_ - \_\_\_\_\_, 20\_\_

**II. MASTER RECRUITMENT SOURCE LIST (“MRSL”)**

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

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

\_\_\_\_\_, 20\_\_ - \_\_\_\_\_, 20\_\_

**III. RECRUITMENT INITIATIVES**

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