

FOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY
FILE NO.

FCC 318

APPLICATION FOR CONSTRUCTION PERMIT FOR A LOW POWER FM BROADCAST STATION

Section I - General Information

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

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

3. Application Purpose.

- | | |
|--|--|
| <input type="checkbox"/> New station | <input type="checkbox"/> Major modification of construction permit |
| <input type="checkbox"/> Major change in licensed facility | <input type="checkbox"/> Minor modification of construction permit |
| <input type="checkbox"/> Minor change in licensed facility | <input type="checkbox"/> Amendment to pending application |

a. File number of original construction permit: _____

☐ N/A

b. Station location:

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

Exhibit No.

NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See General Instructions, Paragraph I for additional information regarding the completion of explanatory exhibits.

Section II - Legal

New LPFM station applicants must complete all questions in Section II. Major and minor change applicants must complete only questions 1, 4, 6, 7 and 9.

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application, instructions, and worksheets. ☐ Yes ☐ No
2. **Eligibility.** Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should **not** submit an explanatory exhibit in connection with these Question 2 "No" responses.

The applicant certifies that:

- a. it is a nonprofit educational organization; ☐ Yes ☐ No
or
- b. it is a Tribe or Tribal organization; ☐ Yes ☐ No
or
- c. it is a state or local government or a non-government entity that proposes a noncommercial public safety radio service to protect the safety of life, health, or property. ☐ Yes ☐ No

If the answer to 2c is "Yes" and the applicant is submitting multiple applications, is this application the "priority" application? *See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80 (2000).* ☐ Yes ☐ No
☐ N/A

Note: An applicant that answers "Yes" to 2a. must include an exhibit that describes the applicant's educational program and how its proposed station will be used to advance its educational program. If the applicant is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is unincorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.

Exhibit No.

An applicant answering "Yes" to 2b. must include an exhibit that specifies whether the applicant is a Tribe or Tribal organization, and describes its proposed noncommercial service. If the applicant is a Tribal organization and is incorporated, the exhibit also must state which Tribe or Tribes own or control the applicant, and specify the state and date of applicant's incorporation. If the applicant is a Tribal organization and is not incorporated, the exhibit must state which Tribe or Tribes own or control the applicant, and specify the state in which the applicant is registered or otherwise recognized and the date of such registration or recognition.

An applicant that answers "Yes" to 2c. must include an exhibit that describes the applicant's public safety radio program and how the proposed station will be used to protect the safety of life, health or property. If the applicant is a non-governmental entity and is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is a non-governmental entity and is not incorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.

3. **Parties to the Application.**

- a. List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

(1) Name and address of party.

(2) Citizenship.

(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's equity/debt plus standard.

(4) Percentage of votes.

(5) Percentage of total assets (equity plus debt).

(1)	(2)	(3)	(4)	(5)

- b. Applicant certifies that equity and financial interests not set forth above are non-attributable.

☒ Yes ☐ No
☐ N/A

See Explanation
in Exhibit No.

4. **Community-Based Criteria.** The applicant certifies that:

- a. it is a nonprofit educational organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application. ☐ Yes ☐ No
- b. it is a nonprofit educational organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application. ☐ Yes ☐ No
- c. it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. *See* 47 C.F.R. Sections 73.853(c) and 73.7000. ☐ Yes ☐ No
- d. it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station. ☐ Yes ☐ No

Note: An applicant should **not** submit an explanatory exhibit in connection with these Question 4 "No" responses.

5. **Ownership.**

- a. Applicant certifies that it and all parties to the application comply with the multiple ownership limits set forth in Section 73.855 of the Commission's rules. *See* 47 C.F.R. Section 73.855. ☐ Yes ☐ No

See Explanation in Exhibit No.
- b. Applicant certifies that it and all parties to the application comply with the cross-ownership limits set forth in Section 73.860 of the Commission's rules. *See* 47 C.F.R. Section 73.860. ☐ Yes ☐ No

See Explanation in Exhibit No.
- c. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to media interests of immediate family members; and ☐ Yes ☐ No
- d. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to investor insulation and the non-participation of non-party investors or creditors. ☐ Yes ☐ No

6. **Character Issues.** The applicant certifies that neither the applicant nor any party to the application has or has had any interest in, or connection with:

☐ Yes ☐ No

See Explanation
in Exhibit No.

a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or

b. any pending broadcast application in which character issues have been raised.

7. **Adverse Findings.** The applicant certifies that no adverse finding has been made and no adverse final action has been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) 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; and (ii) the disposition of the previously reported matter.

Exhibit No.

8. **Unlicensed Operation.** The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.

☐ Yes ☐ No

9. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither the applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

☐ Yes ☐ No

Section III - Point System Factors

New station and major change applicants must complete the following questions.

Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modification of authorized LPFM stations. Mutually exclusive applicants will be awarded a point for each of the following:

1. **Established community presence.**

- a. **Nonprofit educational organizations.** The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.

☐ Yes ☐ No

An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.

Exhibit No.

- b. **Tribes and Tribal organizations.** The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.

☐ Yes ☐ No

- c. **Public safety radio service.** The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.

☐ Yes ☐ No

2. **Local program origination.** The applicant pledges to originate locally at least eight hours of programming per day.

☐ Yes ☐ No

3. **Main studio.** The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.

☐ Yes ☐ No

An applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.

Address: _____

Telephone: _____

4. **Local program origination and main studio.** The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.

☐ Yes ☐ No

5. **Diversity of ownership.** The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.

☐ Yes ☐ No

6. **Tribes or Tribal organizations.** The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.

☐ Yes ☐ No

Section IV - Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point analysis. See 47 C.F.R. Section 73.872.

1. **Established Community Presence:** Provide the date on which the applicant qualified _____ as local. See 47 C.F.R. Section 73.853(b).

Applicant certifies that it has remained local at all times since this date.

☐ Yes ☐ No

Section V - Certification

The applicant certifies that the statements in this application are true, complete, and correct to the best of its knowledge and belief, and are made in good faith.

The applicant acknowledges that all certifications and attached Exhibits are considered material representations.

The applicant acknowledges that the submission of false or misleading statements will subject the applicant to fines, revocation of license(s), and applicable criminal penalties.

The applicant hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by licensee or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

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

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

1. Channel: _____

2. Antenna Location Coordinates: (NAD 27)

_____° _____' _____" ☐ N ☐ S Latitude

_____° _____' _____" ☐ E ☐ W Longitude

3. Antenna Structure Registration Number: _____

☐ Not applicable ☐ FAA Notification Filed with FAA

4. Antenna Location Site Elevation Above Mean Sea Level: _____ meters

5. Overall Tower Height Above Ground Level: _____ meters

6. Height of Antenna Radiation Center Above Ground Level: _____ meters

7. **Power and height limitations.** By checking "Yes", the applicant acknowledges that it will be authorized to operate within the parameters defined in 47 C.F.R. Section 73.81 1 as calculated based on the data specified herein.

☐ Yes ☐ No

8. a. **Interference.** The applicant certifies that the proposed facility complies with all pertinent distance separation requirements of 47 C.F.R. Section 73.807.

☐ Yes ☐ No

See Explanation
in Exhibit No.

Note: New station applications that fail to meet all of the co-channel and first-adjacent channel separation requirements set forth in 47 C.F.R. Section 73.807 will be returned and will not be provided an opportunity to file a curative amendment.

An applicant seeking a waiver of second-adjacent channel minimum distance separation requirements must submit an exhibit demonstrating that the proposed station operations will not result in interference to any authorized radio service. *See instructions for additional information.*

b. **Interference to Translator or Booster Input Signals.** The applicant certifies that the proposed facility complies with all pertinent requirements of 47 C.F.R. Section 73.827(a).

☐ Yes ☐ No

☐ N/A

See Explanation
in Exhibit No.

Note: Where Section 73.827(a) is applicable, an applicant must certify that the proposed facility complies with the distance separation requirements set forth in that section or demonstrate that "no actual interference" would occur based on either the signal strength ratio showing or minimum distance separation formula set forth in 47 C.F.R. Section 73.827(a) or an alternative technical arrangement agreed to by both the applicant and the affected FM translator or FM booster station.

9. **TV Channel 6 Interference (Channel 201-220).** The applicant certifies that the proposed facility complies with 47 C.F.R. Section 73.825.

☐ Yes ☐ No

See Explanation
in Exhibit No.

☐ N/A

☐ Yes ☐ No

See Explanation
in Exhibit No.

10. **National Environmental Policy Act.** The applicant certifies, based on its completion of Worksheets 2 and 3 and its review of the instructions to this application, that the proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the attached General Environmental and RF Exposure Worksheets, an **Exhibit is required.**

THE FOLLOWING PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.

PREPARER'S CERTIFICATION

I certify that I have prepared Section V (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name		Relationship to Applicant (e.g., Consulting Engineer)	
Signature		Date	
Mailing Address			
City	State or Country (if foreign address)		ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).