

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Application for Renewal of Broadcast Station)
License; Section License; Section 73.3555(d)) OMB Control No. 3060-0110
)
Form Number: FCC Form 303-S)

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ submits these brief comments on the above-captioned Notice of Public Information Collection (Notice).² Specifically, NAB supports the Commission’s proposed revision of the Application for Renewal of Broadcast Station License (FCC Form 303-S) to simplify the showing required of AM and FM licensees to demonstrate compliance with the Commission’s maximum permissible radio frequency (RF) electromagnetic exposure limits. FedReg Notice at 62817.

Applicants for radio and television broadcast license renewals, as well as translator, low power FM, and low power TV operations, are required to certify on FCC Form 303-S that their facilities comply with the Commission’s RF limits for

¹ The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the Courts.

² *Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission*, 75 Federal Register 107 (Oct. 13, 2010), pp. 62816-62817 (FedReg Notice).

controlled and uncontrolled environments.³ This certification helps ensure that licensees do not expose employees (in “controlled” environments) or the general public (in “uncontrolled environments”) to unacceptable levels of RF radiation. Although the RF radiation guidelines and goals are the same for both radio and television, the required method for demonstrating compliance with the RF guidelines on the renewal application is significantly more burdensome for radio licensees than television, translator and low power TV (LPTV) licensees.

The instructions to FCC Form 303-S for AM and FM licensees asks applicants to certify compliance with the RF limits, and gives these applicants the option of showing compliance on RF worksheets supplied with the form. The worksheets are relatively simple to complete and usually can be handled without hiring outside consultants. However, the Commission allows AM and FM licensees to use the RF worksheets only in certain 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.⁴ These conditions severely limit eligibility to use the worksheets to few AM and FM licensees. All other AM and FM applicants typically must hire an engineering consultant to perform the more complex calculations needed to demonstrate RF compliance. This can cost licensees between \$1000 to \$3000 per antenna tower, depending on factors such as the location, height and accessibility of a tower, the number of towers

³ AM and FM Licensees completed FCC Form 303-S, Section III, Item 6; TV and Class A Licensees completed Section IV, Item 15; and FM and TV Translator, low power FM and LPTV Licensees completed Section V, Item 5.

⁴ FCC Form 303-S Instructions, Section III, Item 6.

covered by a particular applicant-consultant agreement, and the market rate for available consultants.

In contrast, Form 303-S permits television, translator and LPTV stations to certify compliance with the RF guidelines after merely reviewing the relevant instructions in the section of the form for AM and FM licensees. The form indicates that, so long as there have been no major changes to an applicant's facilities since the last time the Commission approved the station's RF environment, television, translators and LPTV applicants are not required to either complete the worksheets or create an engineering exhibit demonstrating compliance (which often necessitates hiring an outside consultant).

Under the Commission's proposal, the application question on RF compliance for AM and FM stations would be conformed to that for other applicants. AM and FM licensees would be allowed to rely on the information submitted with their previous renewal applications to certify compliance with RF limits in the upcoming renewal cycle, assuming there has been no material change in an AM or FM station's RF environment since the Commission granted the station's last renewal application. If there has been a material change, then the licensee must use the worksheets, as before, or if ineligible to use the worksheets, prepare and submit an engineering exhibit. FedReg Notice at 62817.

NAB supports the Commission for taking this step to improve its license renewal application instructions, *sua sponte*. In doing so, the Commission has acknowledged -- and corrected -- the inequitable and unnecessary burden that

Form 303-S placed on radio stations to demonstrate RF compliance, compared to television, translator and LPFM entities.⁵ The proposed change to the license renewal application thus “reduces to the extent practicable and appropriate the burden” on radio applicants, as directed by the Paperwork Reduction Act.⁶ Reducing unnecessary regulatory burdens and costs, especially on “small” radio broadcasters is particularly important during these economically challenging times.⁷

The broadcasting industry appreciates the Commission’s ongoing efforts to improve the license renewal process, for the benefit of both applicants and Commission staff. We support the proposed change to FCC Form 303-S, and look forward to working with the Commission to continue improving the license renewal submission and review process.

Respectfully submitted,



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⁵ There is also no public safety reason to require increased showings of AM and FM radio licensees only.

⁶ 44 U.S.C. § 3506(c)(3)(C).

⁷ *Id.* (burdens on persons providing information should be reduced in particular “with respect to small entities”).

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