

shall, within 7 days of the last day of broadcast of the local public notice of filing announcements required pursuant to § 73.3580(h), place in the station's local public inspection file a statement certifying compliance with this requirement. The dates and times that the pre-filing and post-filing notices were broadcast and the text thereof shall be made part of the certifying statement. The certifying statement shall be retained in the public file for the period specified in § 73.3580 (for as long as the application to which it refers).

(11) *Material relating to FCC investigation or complaint.* Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant, permittee, or licensee has been advised. This material shall be retained until the applicant, permittee, or licensee is notified in writing that the material may be discarded.

(12) *Must-carry requests.* Noncommercial television stations requesting mandatory carriage on any cable system pursuant to §§ 76.56, 76.1614, 76.1620, and 76.1709 of this chapter shall place a copy of such request in its public file and shall retain both the request and relevant correspondence for the duration of any period to which the request applies.

(13) *DTV transition education reports.* For full-power noncommercial educational TV broadcast stations, both analog and digital, on a quarterly basis, a completed Form 388, DTV Consumer Education Quarterly Activity Report. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. By this date, a copy of the Report for each quarter must be filed electronically using the Commission's Consolidated DataBase System (CDBS). Stations electing to conform to the requirements of § 73.674(b) must also provide the form on the station's public Web site, if such exists. The Report shall be separated from other materials in the public inspection file. The first Report, covering the first quarter of 2008, must be filed no later than April 10, 2008. The Reports must continue to be included up to and including the quarter in which a station

concludes its education campaign. These Reports shall be retained in the public inspection file for one year. Licensees and permittees shall publicize in an appropriate manner the existence and location of these Reports.

NOTE 1 TO PARAGRAPH (e): For purposes of this section, a decision made with respect to an application tendered with the FCC becomes final when that decision is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

NOTE 2 TO PARAGRAPH (e): For purposes of this section, the term "all related material" includes all exhibits, letters, and other documents tendered for filing with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of the rules are open for public inspection at the offices of the FCC.

[63 FR 49499, Sept. 16, 1998, as amended at 64 FR 35947, July 2, 1999; 65 FR 7457, Feb. 15, 2000; 65 FR 36378, June 8, 2000; 65 FR 53614, Sept. 5, 2000; 73 FR 13463, Mar. 13, 2008; 73 FR 15450, Mar. 24, 2008; 73 FR 30316, May 27, 2008; 73 FR 36283, June 26, 2008]

EFFECTIVE DATE NOTE: At 73 FR 13463, Mar. 13, 2008, § 73.3527 was amended by revising paragraphs (b) and (e)(8) and at 73 FR 30316, May 27, 2008, further amended by adding paragraphs (e)(8)(i) and (e)(8)(ii). These paragraphs contain information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

**§ 73.3533 Application for construction permit or modification of construction permit.**

(a) Application for construction permit, or modification of a construction permit, for a new facility or change in an existing facility is to be made on the following forms:

(1) FCC Form 301, "Application for Authority to Construct or Make Changes in an Existing Commercial Broadcast Station."

(2) FCC Form 309, "Application for Authority to Construct or Make Changes in an Existing International or Experimental Broadcast Stations."

(3) [Reserved]

(4) FCC Form 340, "Application for Authority to Construct or Make

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Changes in a Noncommercial Educational Broadcast Station.”

(5) FCC Form 346, “Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station.”

(6) FCC Form 349, “Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station.”

(7) FCC Form 318, “Application for Construction Permit for a Low Power FM Broadcast Station.”

(b) The filing of an application for modification of construction permit does not extend the expiration date of the construction permit. Extension of the expiration date must be applied for on FCC Form 307, in accordance with the provisions of § 73.3534.

(c) In each application referred to in paragraph (a) of this section, the applicant will provide the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not already have a Registration Number, either the antenna structure owner shall file FCC Form 854 (“Application for Antenna Structure Registration”) in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance of the antenna structure is not necessary.

[44 FR 38494, July 2, 1979, as amended at 47 FR 28388, June 30, 1982; 49 FR 32582, Aug. 15, 1984; 50 FR 40016, Oct. 1, 1985; 53 FR 36788, Sept. 22, 1988; 61 FR 4367, Feb. 6, 1996; 65 FR 7648, Feb. 15, 2000; 68 FR 12761, Mar. 17, 2003; 69 FR 72043, Dec. 10, 2004]

**§ 73.3534 [Reserved]**

**§ 73.3536 Application for license to cover construction permit.**

(a) The application for station license shall be filed by the permittee pursuant to the requirements of § 73.1620 Program tests.

(b) The following application forms shall be used:

(1)(i) Form 302-AM for AM stations, “Application for New AM Station Broadcast License.”

(ii) Form 302-FM for FM stations, “Application for FM Station License.”

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(iii) Form 302-TV for television stations, “Application for TV Station Broadcast License.”

(2) FCC Form 310, “Application for an International or Experimental Broadcast Station License.”

(3) [Reserved]

(4) FCC Form 347, “Application for a Low Power TV, TV Translator or TV Booster Station License.”

(5) FCC Form 350, “Application for an FM Translator or FM Booster Station License.”

(6) FCC Form 319, “Application for a Low Power FM Broadcast Station License.”

(c) Eligible low power television stations which have been granted a certificate of eligibility may file FCC Form 302-CA, “Application for Class A Television Broadcast Station Construction Permit Or License.”

[44 FR 38495, July 2, 1979, as amended at 49 FR 32582, Aug. 15, 1984; 50 FR 40016, Oct. 1, 1985; 51 FR 18451, May 20, 1986; 51 FR 32088, Sept. 9, 1986; 52 FR 31400, Aug. 20, 1987; 53 FR 36788, Sept. 22, 1988; 62 FR 51063, Sept. 30, 1997; 65 FR 7648, Feb. 15, 2000; 65 FR 30007, May 10, 2000; 68 FR 12761, Mar. 17, 2003; 69 FR 72043, Dec. 10, 2004]

**§ 73.3537 Application for license to use former main antenna as an auxiliary.**

See § 73.1675, *Auxiliary facility*.

[62 FR 51063, Sept. 30, 1997]

**§ 73.3538 Application to make changes in an existing station.**

Where prior authority is required from the FCC to make changes in an existing station, the following procedures shall be used to request that authority:

(a) An application for construction permit using the forms listed in § 73.3533 must be filed for authority to:

(1) Make any of the changes listed in § 73.1690(b).

(2) Change the hours of operation of an AM station, where the hours of operation are specified on the license or permit.

(3) Install a transmitter which has not been approved (type accepted) by the FCC for use by licensed broadcast stations.