

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 06/02/2022 at 11:12:25
File Number: 0010074081

FCC 601

Main Form

FCC Application for Radio Service Authorization: Wireless Telecommunications Bureau Public Safety and Homeland Security Bureau

Approved by OMB

3060 - 0798

See instructions for public burden estimate

1) Radio Service Code: <p style="text-align: center;">LP</p>	1a) Existing Radio Service Code:
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General Information

2) (Select only one) (AU) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License RL - Registered Location/Link	
3a) If this application is for a Demonstration License or a S pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' N/A ' (Not Applicable).	(N) <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Y</u> <u>N</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, , or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign BLP00799
6a) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD ____ / ____
6b) If this application is for a Renewal Only or Renewal/Modification and the license is a geographic area license, is the license used to provide service to customers (C), or is the license used for private business (internal) purposes or to meet the licensee's public interest/public safety communications needs (P)?	() <u>C</u> <u>P</u>
7) Is this application "major" as defined in § 1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of § 1.929).	() <u>Y</u> <u>N</u>
8) Are attachments (other than associated schedules) being filed with this application?	(N) <u>Y</u> <u>N</u>

Fees, Waivers, and Exemptions

9) Is the Applicant exempt from FCC application fees?	(N) <u>Y</u> <u>N</u>
10) Is the Applicant exempt from FCC regulatory fees?	(N) <u>Y</u> <u>N</u>
11) Does this application include a request for a Waiver of the Commission's Rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	(N) <u>Y</u> <u>N</u>
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Y</u> <u>N</u>

Applicant Information

13) FCC Registration Number (FRN): 0004078598			
14) Applicant/Licensee Legal Entity Type: (Select One) () Individual () Unincorporated Association () Trust () Government Entity () Corporation () Limited Liability Company () General Partnership () Limited Partnership () Limited Liability Partnership () Consortium () Other: _____			
15) If the Licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to party and for which proper Commission approval has not been received or proper notification not provided?			() <u>Yes</u> <u>No</u>
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): FORT MYERS BROADCASTING COMPANY			
18) Attention To: Mike Mayne/Monica Kummer			
19) P.O. Box:	And/Or	20) Street Address: 2824 PALM BEACH BLVD.	
21) City: FORT MYERS	22) State: FL	23) Zip Code: 33916	
24) Telephone Number: (239)338-4382		25) Fax:	
26) E-Mail Address: Mike.mayne@fmbcmail.com			

27) Demographics (Optional)

Race: () American Indian or Alaska Native () Asian () Black or African-American () Native Hawaiian or Other Pacific Islander () White	Ethnicity: () Hispanic or Latino () Not Hispanic or Latino	Gender: () Male () Female
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Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from Applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
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Contact Information (If different from the Applicant)**() Check here if same as Applicant.**

30) First Name: Jennifer	MI: A	Last Name: Johnson	Suffix:
31) Company Name: Covington & Burling LLP			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address: One CityCenter, 850 Tenth Street, N.W.	
35) City: Washington	36) State: DC	37) Zip Code: 20001	
38) Telephone Number: (202)662-5552		39) Fax: (202)778-5552	
40) E-Mail Address: jjohnson@cov.com			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):
() Common Carrier () Non-Common Carrier () Private, internal communications () Broadcast Services () Band Manager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (choose all that apply):
() Fixed () Mobile () Radiolocation () Satellite (sound) () Broadcast Services
43) Does the Applicant propose to provide service interconnected to the public telephone network? () Yes () No

Alien Ownership Questions (If any answer is 'Y', provide an attachment explaining the circumstances. In preparing the attachment, refer to the Main Form Instructions for the "Alien Ownership Questions".)

44) Is the Applicant a foreign government or the representative of any foreign government? () Yes () No
45) Is the Applicant an alien or the representative of an alien? () Yes () No
46) Is the Applicant a corporation organized under the laws of any foreign government? () Yes () No
47) Is the Applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? () Yes () No

48a) Is the Applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock () Yes No is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?

48b) If the answer to 47 or 48a is 'Y' select one of the choices below.

The Applicant is exempt from the provisions of Section 310(b).

If checked, it is not necessary to file a petition for declaratory ruling if the Applicant includes in the attachment required by Item 47 or Item 48a a showing that the requested license(s) is exempt from the provisions of Section 310(b).

The Applicant has received a declaratory ruling(s) approving its foreign ownership, and the application involves only the acquisition of additional spectrum for the provision of a wireless service in a geographic coverage area for which the Applicant has been previously authorized.

If checked, include in the attachment required by Item 47 or Item 48a the citation(s) of the applicable declaratory ruling(s) by DA/FCC number, the FCC Record citation, if available, release date, and a statement that there has been no change in the foreign ownership of the Applicant since the issuance of its ruling.

The Applicant: (i) has received a declaratory ruling(s) approving its foreign ownership, but is not able to make the certification specified immediately above; or (ii) is an "affiliate" of a Licensee or Lessee/Sublessee that received a declaratory ruling(s) under 47 CFR § 1.5000(a) and is relying on the affiliate's ruling for purposes of filing this application as permitted under the affiliate's ruling and 47 CFR § 1.5004(b)

If checked, and if the Applicant received its declaratory ruling(s) on or after August 9, 2013, include in the attachment required by Item 47 or Item 48a the citation(s) of the Applicant's declaratory ruling(s) by DA/FCC number, the FCC Record citation, if available, release date, and a statement that the Applicant is in compliance with the terms and conditions of its ruling and with the Commission's Rules.

If checked, and if the Applicant received its declaratory ruling(s) prior to August 9, 2013, include in the attachment required by Item 48a a copy of a petition for declaratory ruling filed contemporaneously with the Commission to extend the Applicant's existing ruling(s) to cover the same radio service(s) and geographic coverage area(s) involved in the application. Alternatively, the Applicant may request a new declaratory ruling pursuant to Section 1.5000(a) of the Commission's Rules, 47 CFR § 1.5000 (a). Petitions for declaratory ruling may be filed electronically on the Internet through the International Bureau Filing System (IBFS) (with a copy attached hereto).

If checked, and if the Applicant is relying on an affiliate's ruling for purposes of filing this application, include in the attachment required by Item 47 or Item 48a the citation(s) of the applicable declaratory ruling(s) by DA/FCC number, the FCC Record citation, if available, release date, and a statement that the Applicant is in compliance with the terms and conditions of the named affiliate's ruling and with the Commission's Rules. The Applicant must also include a certification of compliance signed by the named affiliate or other qualified entity as specified in 47 CFR § 1.5004(b). See Main Form Instructions for Items 47 or 48a, as applicable.

The Applicant has not received a declaratory ruling approving its foreign ownership and is requesting a declaratory ruling under 47 CFR § 1.5004(b) in a petition filed contemporaneously with the Commission.

If checked, include in the attachment required by Item 47 or 48a a copy of the petition for declaratory ruling filed contemporaneously with the Commission pursuant to 47 CFR § 1.5004(b). Petitions for declaratory ruling may be filed electronically on the Internet through the International Bureau Filing System (IBFS) (with a copy attached hereto).

Basic Qualification Questions

49) Has the Applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
50) Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
51) Has any court finally adjudged the Applicant or any party directly or indirectly controlling the Applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>

Note: If the answer to any of 49-51 is 'Y', attach an exhibit explaining the circumstances.

Aeronautical Advisory Station (Unicom) Certification

52) (<input type="checkbox"/>) I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
53b) If the answer to question 53a is 'Y', does the Applicant operate, control or have an attributable interest (as defined in 47 CFR § 27.1202) in a cable television system whose franchise area is located within the geographic service area of the requested facilities?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the Applicant complies with 47 CFR § 27.1202 or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the Applicant comply with the programming requirements contained in 47 CFR § 27.1203?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
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Note: If the answer to item 54 is 'N', attach an exhibit explaining how the Applicant complies with 47 CFR § 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the Applicant comply with 47 CFR §§ 27.50, 27.55, and 27.1221?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
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Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

For Applicants Who Participated in an Auction

56) Is the Applicant a qualifying rural wireless partnership or a member of a qualifying rural wireless partnership?	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
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Note: If the answer to item 56 is 'Y', attach an exhibit listing all members of the qualifying rural wireless partnership, including their FRN numbers.

For Renewal Applicants**57) Operation/Performance Requirement Certification**

[For a site-based license]: Applicant certifies that it is continuing to operate consistent with its most recently filed construction notification (or most recent authorization, if no construction notification was required).	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
[For a geographic license, commercial service - licensee in its initial license term with an interim performance requirement]: Applicant certifies that it has met its interim performance requirement, that over the portion of the license term following the interim performance requirement, it continues to use its facilities to provide at least the level of service required by its interim performance requirement, it has met its final performance requirement, and it continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of the license term.	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
[For a geographic license, commercial service - licensee in its initial license term with no interim performance requirement]: Applicant certifies that it has met its final performance requirement and it continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of the license term. [Note: licensee must provide a showing demonstrating that the final performance requirement has been met, either separately in a timely application for notification of completion of construction, or as part of its renewal application, depending on the radio service.]	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
[For a geographic license, commercial service - licensee in any subsequent term]: Applicant certifies that it continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of any subsequent license terms.	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
[For a geographic license, private systems - licensee in its initial license term with an interim performance requirement]: Applicant certifies that it has met its interim performance requirement, that over the portion of the license term following the interim performance requirement, it continues to use its facilities to further its private business or public interest/public safety communications needs at or above the level required to meet its interim performance requirement, it has met its final performance requirement, and it continues to use its facilities to provide at least the level of operation required by its final performance requirement through the end of the license term.	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>
[For a geographic license, private systems - licensee in its initial license term with no interim performance requirement]: Applicant certifies that it has met its final performance requirement, it continues to use its facilities to further its private business or public interest/public safety communications needs, and it continues to use its facilities to provide at least the level of operation required by its final performance requirement through the end of the license term. [Note: licensee must provide a showing demonstrating that the final performance requirement has been met, either separately in a timely application for notification of completion of construction, or as part of its renewal application, depending on the radio service.]	(<input type="checkbox"/>) <u>Yes</u> <u>No</u>

[For a geographic license, private systems - licensee in any subsequent term]: Applicant certifies that it continues to use its facilities to further its private business or public interest/public safety communications needs at or above the level required to meet its final performance requirement through the end of any subsequent license terms.	() <u>Yes</u> <u>No</u>
[For a partitioned or disaggregated license without a performance requirement, for the first renewal application filed after effective date of the rules]: Applicant certifies that the partitioned and/or disaggregated license that is the subject of this renewal application has no separate performance requirement and that this is the first renewal of this license filed subsequent to the effective date of the rules.	() <u>Yes</u> <u>No</u>
[For a partitioned or disaggregated license without a performance requirement, for any subsequent renewal filings]: Applicant certifies that it continues to use its facilities to provide service or to further the applicant's private business or public interest/public safety needs.	() <u>Yes</u> <u>No</u>

Discontinuance of Service Certification

58) Applicant certifies that no permanent discontinuance of service or operation, as applicable, occurred during its current license term. Note: If the response to either item 57 or item 58 is 'N', attach an exhibit that demonstrates that over the course of the license term, the Applicant provided and continues to provide service to the public, or operated and continues to operate the license to meet the Applicant's private business or public interest/public safety communications needs. This exhibit must include a detailed description of the Applicant's provision of service or, when allowed under the relevant service rules or pursuant to waiver, use of the spectrum for private business or public interest/public safety communications needs, during the entire license period and address, as applicable: 1) the level and quality of service provided by the applicant (e.g., the population served, the area served, the number of subscribers, the services offered); (2) the date service commenced, whether service was ever interrupted, and the duration of any interruption or outage; (3) the extent to which service is provided to rural areas; (4) the extent to which service is provided to qualifying tribal land as defined in 47 CFR § 1.2110(e)(3)(i); and (5) any other factors associated with the level of service to the public. The licensee may note in its exhibit: 1) any grant(s) of waiver or extension of a performance deadline or license renewal subject to meeting a performance requirement; or 2) if the final performance deadline and/or expiration date for the license accelerated because the licensee did not meet an interim performance requirement.	() <u>Yes</u> <u>No</u>
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Regulatory Compliance Certification [same for all]

59) Applicant certifies that it has substantially complied with all applicable FCC rules, policies, and the Communications Act of 1934, as amended. Note: If the response to item 59 is 'N', attach an exhibit explaining the circumstances and demonstrating why Applicant's license should be renewed.	() <u>Yes</u> <u>No</u>
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General Certification Statements

1) 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 license or otherwise, and requests an authorization in accordance with this application.
2) The Applicant certifies that grant of this application would not cause the Applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the Applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3) 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.
4) 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 § 1.2002(c). See 47 CFR § 1.2002(b) for the definition of "party to the application" as used in this certification.
5) The Applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's Rules.
6) The Applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 CFR § 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 CFR §§ 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7) The Applicant certifies that it has reviewed the appropriate Commission Rules defining eligibility to hold the requested license(s) and is eligible to hold the requested license(s).
8) The Applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.
9) The Applicant certifies that the Applicant and all of the related individuals and entities required to be disclosed on this application and FCC Form 602 (FCC Ownership Disclosure Information for the Wireless Telecommunications Services) are not person(s) who have been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant. This certification applies only to applications for licenses for spectrum that is required by Sections 6103, 6401-6403 of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §§ 309, 1413, 1451-1452, to be assigned by a system of competitive bidding under 47 U.S.C. § 309(j).

Signature

60) Typed or Printed Name of Party Authorized to Sign

First Name: Mike	MI:	Last Name: Mayne	Suffix:
61) Title: Chief Engineer			
Signature: Mike Mayne			62) Date: 06/02/2022
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the Licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
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 LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, § 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, § 503).			

**Technical Data Schedule for the
Private Land Mobile and Land Mobile Broadcast Auxiliary
Radio Services (Parts 90 and 74)**

Eligibility

1) Rule Section:	2) Describe Activity:
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Frequency Coordinator Information (if not self-coordinated)

3) Frequency Coordination Number	4) Name of Frequency Coordinator	5) Telephone Number	6) Coordination Date
7) Has this application been successfully coordinated?			() <u>Yes</u> / <u>No</u>

Extended Implementation (Slow Growth)

8) Are you requesting a new or modified extended implementation plan? If 'Yes', attach an exhibit with a justification and a proposed station construction schedule.	() <u>Yes</u> / <u>No</u>
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Associated Call Signs (Attach additional sheets if required)

9)				
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Broadcast Auxiliary Only

If there is an associated Parent Station, complete Items 10-12.	10) Facility Id of Parent Station:	11) Radio Service of Parent Station:	12) City and State of Parent Station Principal Community:
13) If there is no associated parent station, this Applicant is a: () <input type="checkbox"/> Cable Network Entity <input type="checkbox"/> Broadcast Network Entity <input type="checkbox"/> Television <input type="checkbox"/> Cable Operator <input type="checkbox"/> Large Venue Owner or Operator <input type="checkbox"/> Motion Picture Producer <input type="checkbox"/> Professional Sound Company <input type="checkbox"/> Television Producer			14) State of Primary Operation:

Control Point(s) (Other than at the transmitter) (Attach additional sheets if required)

15) Action A/M/D	16) Control Point Number	17) Location Street Address, City or Town, County/Borough/Parish, State	18) Telephone Number

Antenna Information

19) Action () A/M/D	20) Location Number	21) Antenna Number	22) AAT (meters)	23) Antenna Ht. (meters)	24) Azimuth (degrees)	25) Beamwidth (degrees)	26) Polarization	27) Gain (dB)

Frequency Information

28) Action () A/M/D	29) Location Number	30) Antenna Number	31) Frequency (MHz)		32) Station Class	33) No. of Units	34) No. of Paging Receivers	35) Output Power (watts)	36) ERP (watts)	37) Emission Designators
			Existing (if Mod)	New						