



G A R V E Y S C H U B E R T B A R E R  
 A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

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**QUESTIONNAIRE FOR DIRECTORS OF NON-PROFIT CORPORATION  
APPLYING FOR FCC LICENSE FOR NONCOMMERCIAL STATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

1. Principal profession or occupation:

\_\_\_\_\_

2. By whom were you appointed or elected to the board (e.g., board appointed, board elected, member elected, general public election)?

\_\_\_\_\_

3. If you are an officer, what office do you hold (e.g., President, Treasurer, Secretary)?

\_\_\_\_\_

4. Do you or any member of your household own, individually, as a partner or as a stockholder, any interest in a broadcast station, daily newspaper, or cable TV system? (If "yes", provide details below. Identify the interest and its location.)

No     Yes

\_\_\_\_\_  
 \_\_\_\_\_

5. Are you a director or officer of any other company which has any interests in a commercial or noncommercial broadcast station, daily newspaper or cable TV system? (If "yes", provide details below.)

No     Yes

\_\_\_\_\_  
 \_\_\_\_\_

6. Have any "adverse findings" or "adverse final actions" been taken against you by any court or administrative body. Consider all FCC actions or findings, all felonies; fraudulent representations



to governmental units; mass-media related violations of antitrust or other laws dealing with unfair competition; and non-FCC-related employment discrimination. (If "yes", provide details, **including court or agency and case number and date of action**, below.)

No     Yes

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7. Have you ever been convicted of drug possession or drug trafficking? If so, as part of your sentencing, were you denied federal benefits? (If "yes", provide details, **including court or agency and case number and date of conviction**, below.)

No     Yes

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8. Are you a U.S. citizen?     Yes     No

(If "no", of what country are you a citizen?) \_\_\_\_\_

9. Are you related as husband-wife, parent-child, or brother-sister to any officer or director of the applicant? (If "yes", provide details, including to whom you are related and the nature of the relationship, below.)

No     Yes

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10. Are you an officer, director, or do you own an interest in, a company that holds a license for a broadcast station involved in a pending or resolved complaint of employment discrimination filed with any federal or local court or agency? (If "yes", provide details, **including court or agency and case number, persons involved, and disposition or current status of the complaint**, below.)

No     Yes

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

\_\_\_\_\_  
Print Name

Date: \_\_\_\_\_

6. a. **Parties to the Application.** 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 another entity 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.

(a) Name and Residence/Headquarters Address(es)	(b) Citizenship	(c) Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc.	(d) Director or Member of Governing Board		(e) % of: Ownership (O) or Voting Stock (VS) or Membership (M)	(f) % of: of Total Assets (equity plus debt)
			Yes	No		

- b. Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

Yes  No

See Explanation  
in Exhibit No.

**WORKSHEET #3**

**INVESTOR INSULATION AND NON-PARTY INFLUENCE OVER APPLICANT**

This section of the worksheet may be used in connection with Section 11, question 6 of FCC Form 340. See *Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry, 14 FCC Rcd 12559 (1999)*. It indicates the kinds of contractual relationships that may, in the Commission's view, exceed the authority of a properly insulated investor or demonstrate some indicia of de facto control by a creditor.

**I. Investor Insulation**

If an applicant is a limited partnership or a limited liability company ("LLC") that seeks to insulate partners or members in accordance with the Commission's attribution rules, the applicant shall ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC. To ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC, the applicant must answer the following inquiries. Do the limited partnership or LLC enabling documents:

- a. specify that any exempt limited partner/LLC member (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership/LLC member if his or her functions, directly or indirectly, relate to the media enterprises of such entity?  Yes  No
- b. bar any exempt limited partner/LLC from serving, in any material capacity, as an independent contractor or agent with respect to the partnership/LLC's media enterprises?  Yes  No
- c. restrict any exempt limited partner/LLC member from communicating with the limited partnership/LLC, the general partner, or any LLC management committee on matters pertaining to the day-to-day operations of its business?  Yes  No
- d. empower the general partner/LLC management committee to veto any admissions of additional general partners/LLC members admitted by vote of the exempt limited partners/LLC members?  Yes  No
- e. prohibit any exempt limited partner/LLC member from voting on the removal of a general partner/LLC member or limit this right to situations where the general partner/LLC member is (i) subject to bankruptcy proceedings, as described in Section 402(4)-(5) of the Revised Uniform Limited Partnership Act, (ii) is adjudicated incompetent by a court of competent jurisdiction, or (iii) is removed for cause, as determined by an independent party?  Yes  No
- f. bar any exempt limited partner/LLC member from performing any services to the limited partnership/LLC materially relating to its media activities, with the exception of making loans to, or  Yes  No
- g. state, in express terms, that any exempt limited partner/LLC member is prohibited from becoming actively involved in the management or operation of the media businesses of the limited partnership/LLC?  Yes  No

If the answer is "Yes" to **each** of these conditions with regard to every limited partner and LLC member that the applicant seeks to insulate and the relevant state statute authorizing the LLC permits a LLC member to insulate itself in accordance with the Commission's criteria, the applicant may exclude those persons in answering Question 6(a). If "No" to the foregoing, the applicant must list those persons as a party in Question 6(a) or answer "No" to Question 6(b) and submit an explanatory exhibit detailing the rights of any non-party investor and setting forth the applicant's reasons for not treating the investor as a party to the application.

**Non-Party Influence Over Applicant** (Section 11, Question 6(b)).

A. Non-party investors, i.e., investors with nonattributable interests, may have very limited powers over the operations of a licensee. Accordingly, with respect to any agreement, arrangement or understanding involving insulated parties or other investors with nonattributable interests, including creditors, secured parties, program suppliers, and any other persons not disclosed as parties to this application, does such agreement:

- 1. give any non-party investor the right to vote on any matters decided by the applicant's board of directors, partnership committee or other management group;  Yes  No
- 2. give any non-party investor the right to attend, or appoint an observer to attend, applicant board, partnership or other management meetings;  Yes  No
- 3. place any limitation on applicant programming discretion;  Yes  No
- 4. give any non-party investor the right to vote on, approve or restrict applicant's actions on any matter relating to programming, personnel or finances;  Yes  No
- 5. give any non-party creditor or any bond, debenture or warrant holder the right to vote on, approve or restrict the applicant's actions on any matter relating to programming, personnel or finances;  Yes  No
- 6. give any non-party creditor or any bond, debenture or warrant holder the right to share in the assets of the applicant;  Yes  No
- 7. give any non-party investor that holds a non-voting convertible interest the right to convert such an interest and acquire control of the applicant based on the applicant's actions relating to programming, personnel and finances;  Yes  No
- 8. give any non-party investor, creditor, or bond, debenture or warrant holder the right to vote on, approve or deny the selection or removal of a general partner of an applicant partnership or a member of the applicant's governing body; and  Yes  No
- 9. give any non-party investor, creditor, or bond, debenture or warrant holder the right to convert, tender or require the tendering of stock pursuant to a put-or-call agreement based on the actions of the applicant relating to programming, personnel or financing.  Yes  No

B. With respect to any person or entity providing more than 33% of equity and/or debt does that person or entity either:  Yes  No

- 1. have an attributable interest in a media outlet in the same market; or  Yes  No
- 2. supply over 15% of the total weekly broadcast programming of the station subject to this  Yes  No

C. With respect to any loan agreement, has the applicant ensured that such agreement:

- 1. includes an unconditional promise by the applicant to pay on demand or on a specific date a sum certain;  Yes  No
- 2. contains a fixed or defined variable rate of interest on the loan; and  Yes  No
- 3. does not prohibit the redemption of the loan by the applicant, or permit redemption at the option of the lender only?  Yes  No

If applicant answered "No" to all questions in A. and B. and answered "Yes" to all questions in C. and if there are no other provisions that may give non-party investors control, the applicant may conclude that it complies with the Commission's restrictions regarding non-participation of non-party investors and creditors and answer "Yes" to Question 6(b) of the form. If not, the applicant must list the holder of the interest as a party in 6(a), or answer "No" to 6(b) and submit an exhibit detailing the rights of any non-party investor, the rights of the lender and the obligations of the applicant for each loan agreement, and the applicant's reasons for not treating them as a party to the application.