

Information and Instructions

**CERTIFICATION OF COMPLETION OF CONSTRUCTION FOR A
MULTIPOINT DISTRIBUTION SERVICE****NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND
THE PAPERWORK REDUCTION ACT OF 1995**

We have estimated that each response to this collection of information will take on average 30 minutes. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-0664). We will also accept your comments via the Internet if you send them to Judith-B.Herman@fcc.gov. *Please do not send completed application forms to this address.*

You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection unless it displays a currently valid OMB control number with this notice. This collection has been assigned OMB control number 3060-0664.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a statute, FCC regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding.

As of December 3, 2001, all parties and entities doing business with the Commission must obtain a unique identifying number called the FCC Registration Number (FRN) and supply it when doing business with the Commission. Failure to provide the FRN may delay the processing of the application. This requirement is to facilitate compliance with the Debt Collection Improvement Act of 1996 (DCIA). The FRN can be obtained electronically through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available from the FCC's web site at <http://www.fcc.gov/formpage.html>, by calling the FCC's Forms Distribution Center 800-418-FORM (3676), or from Federal Communications Commission Fax Information System by dialing (202) 418-0177.

This notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a(e)(3) and the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.



INSTRUCTIONS FOR FCC 304A

Introduction

This FCC Form is to be used to certify that construction of a Multipoint Distribution Service (MDS), Multichannel Multipoint Distribution Service (MMDS), or MDS/MMDS signal booster station has been completed as authorized and that the station is now operational pursuant to 47 C.F.R. § 21.43. Hereinafter, "MDS" will refer to single channel Multipoint Distribution Service and Multichannel Multipoint Distribution Service applications and authorizations, collectively.

For Assistance

For assistance with FCC Form 304A applications, please call FCC Support Center at (877) 480-3201 (TTY-202-414-1255) and select option #2.

Applicable Rules and Regulations

Before this form is prepared, the licensee should review the relevant portions of Parts 0, 1, 17 and 21 of the FCC rules in Title 47 of the Code of Federal Regulations (C.F.R.). Copies of Title 47 may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. You may telephone the GPO order desk at (202) 512-1800 for current prices.

Licensees should make every effort to file complete and accurate forms in compliance with the rules. Replies to questions on this form and the licensee's statements constitute representations on which the FCC will rely in considering the certification of completion of construction. Thus, time and care should be devoted to all replies, which should reflect accurately the licensee's responsible consideration of the questions asked.

Electronic Filing

The Commission has authorized electronic filing for new MDS and ITFS applications, based on the data and other information contained in this form. The specific details concerning the method for electronically filing applications, including an electronic counterpart to this paper form, will be provided through subsequent Commission public notices (when available).

Paper Copies

All entries on this form shall be typed or legibly printed in ink. A separate FCC Form 304A must be submitted for each MDS station and for each conditional license being covered as specified in 47 C.F.R. §§ 21.5 and 21.901. MDS stations must be constructed as authorized. An FCC Form 304A must be filed for modifications proposed pursuant to 47 C.F.R. § 21.40 or 21.41. Certain modifications may be made without prior authorization pursuant to 47 C.F.R. § 21.42, which requires the separate filing of an FCC Form 304A. Submit an original signed FCC Form 304A (copies are no longer necessary).

Incorporation by Reference

Applicants may not incorporate by reference data, documents, exhibits, or other showings already on file with the FCC. All applicable items on this form must be answered without reference to a previous filing.

Current Information

Information filed with the FCC must be kept current. The licensee shall notify the FCC regarding any material change in the facts as they appear on the FCC Form 304A. See 47 C.F.R. § 1.65.

INSTRUCTIONS FOR SPECIFIC ITEMS ON FORM

Question 1. Enter the legal entity type of the applicant. Enter 'I' for Individual, 'U' for Unincorporated Association, 'T' for Trust, 'G' for Government Entity, 'J' for Joint Venture, 'C' for Corporation, 'L' for Limited Liability Company, 'P' for Partnership, or 'O' for Consortium.

Question 2. The legal name of the licensee should be the same as reported on FCC Form 430, "Licensee Qualification Report." The name should also be the same as shown on any application for a related station license or service authorization for a Basic Trading Area (BTA) or partitioned service area (PSA). Enter the applicant's ten-digit FCC Registration Number (FRN) assigned by the Commission Registration System (CORES). The FRN is a unique entity identifier for everyone doing business with the Commission and is mandatory effective December 3, 2001. The FRN can be obtained electronically through the FCC webpage at <https://www.fcc.gov> (click on FCC Registration Number (FRN) Commission Registration System (CORES)) or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html>, by calling 800-418-FORM (3676), or from Federal Communications Commission Fax Information System by dialing (202) 418-0177. Failure to respond to FCC correspondence sent to the address of record may result in dismissal of an application.

Question 3. Fee Information. By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, MDS licensees filing a certification of completion of construction for an MDS station are required to submit a fee with the filing of FCC Form 304A. However, governmental entities, which include any possession, state, city, county, town, village, municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. To avail itself of a fee exemption, the licensee must indicate its eligibility by checking the appropriate box in Question 2. An FCC Form 304A which does NOT involve the payment of a fee may be hand-delivered or mailed to the FCC's Gettysburg office. See 47 C.F.R. § 0.401(a).

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. An FCC Form 304A which requires the remittance of a fee must be submitted to the appropriate post office box address. See 47 C.F.R. § 0.401(b). A listing of the required fee and the address to which FCC Form 304A should be mailed or otherwise delivered is also set forth in the "Wireless Telecommunications Bureau Fee Filing Guide" (most recent edition), which is obtained

either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20431, or by calling Telephone Number 1 (800) 418-FORM and leaving your request on the answering machine provided for this purpose. See also 47 C.F.R. § 1.1102.

A separate fee payment must be submitted for each FCC Form 304A filed. The amount of the fee is based on the total number of channels authorized for one MDS station. If this form is intended to cover more than one channel for one MDS station, a single payment covering the total required fee for each channel, which is calculated on the basis of the number of channels that are the subject of this form, can be made.

Payment of any required fee must be made by check, bank draft, money order or credit card. If paying by check or bank draft, make checks payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be acceptable for filing. Licensees who wish to pay by money order or credit card, must submit FCC Form 159 together with their FCC Form 304A. Payment of fees may also be made by electronic payment, provided prior approval has been obtained from the Commission. Licensees interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Parties hand-delivering FCC Forms 304A may receive a dated receipt copy by presenting one copy of the form to the acceptance clerk at the time of delivery. For mailed-in forms, a "return copy" of the form will be furnished provided the licensee clearly identifies the "return copy" and attaches it to a stamped, self-addressed envelope. Only one piece of paper per form will be stamped for receipt purposes.

LICENSE AND STATION LOCATION INFORMATION

Question 4. A separate FCC Form 304A must be submitted for each MDS conditional license being covered. For this question, provide the channel(s) or channel group for which the FCC Form 304A is intended to cover.

Question 5. Provide the file number of the conditional license application this FCC Form 304A is intended to cover, and the date the conditional license was granted by the Commission.

Question 6. Indicate the date construction was completed and the date service to the public is to commence.

Question 7-9. Identify the antenna site by city or town, state and county/borough/parish. The answer to this question must reflect exactly information provided on the FCC Form 304.

Question 10. Specify the geographic coordinates of the location of the transmitting antenna site (NAD27).

Question 11. MDS licensees must operate transmitters that are "type-accepted" by the Commission for use in this service.

Question 12. **Contact Representative.** This item identifies the contact representative (usually the headquarters office of a large licensee, the law firm or other representative of the licensee, or the person or company that prepared or submitted the filing on behalf of the licensee). In the event there is a question concerning the filing, the FCC will attempt to communicate with the contact representative first.

CERTIFICATIONS

Question 13. By signing this form, the applicant certifies that the statements listed in this section are true, complete, correct, and made in good faith. The engineering certification must be signed by the technically qualified person responsible for preparation of the engineering information.

Question 14. By signing this form, the applicant certifies that the statements listed in this section are true, complete, correct, and made in good faith. Certification on behalf of the licensee must be made personally by the individual licensee, a partner (if the licensee is a partnership), a corporate officer or duly authorized employee (if the licensee is a corporation and that employee has been specifically authorized to act for and on behalf of the licensee), or officer/member (if the licensee is an unincorporated association).

**FCC Wireless Telecommunications Bureau
CERTIFICATION OF COMPLETION OF CONSTRUCTION
FOR A MULTIPOINT DISTRIBUTION SERVICE STATION**

Approved by OMB
3060 - 0664
See instructions for
public burden estimate

GENERAL AND FEE INFORMATION

1. Entity Type () <u>Individual Corporation</u> <u>Unincorporated Association Limited Liability Company</u> <u>Trust Partnership</u> <u>Government Entity Consortium</u> <u>Joint Venture</u>		
2. Legal Name Of Licensee		FCC Registration Number (FRN)
Mailing Street Address Or P. O. Box Attention:		Telephone Number (include area code)
		Fax Number
		E-Mail Address
City	State Or Country (if foreign address)	Zip Code
Telephone Number (include area code)	Call Sign	Other FCC Identifier (If applicable)
3. Is a fee submitted with this application? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If YES, complete and attach FCC Form 159.		
If NO, indicate reason for fee exemption (see 47 C.F.R. § 1.1114).		
<input type="checkbox"/> Governmental Entity <input type="checkbox"/> Noncommercial Educational License <input type="checkbox"/> Other (please explain):		

LICENSE AND STATION INFORMATION

4. Channel(s): _____ or Channel Group: _____

5a. Conditional License File No.	5b. Date of Grant	
6a. Date Construction Completed	6b. Date Service to Commence	
7. City	8. State	9. County/Borough/Parish

10. Transmitting antenna site coordinates (check South Latitude or East Longitude boxes if applicable)

a. North Latitude or <input type="checkbox"/> South Latitude (DD-MM-SS.S)	b. West Longitude or <input type="checkbox"/> East Longitude (DDD-MM-SS.S)
_____ ° _____ ' _____ "	_____ ° _____ ' _____ "

11. Is the transmitter "type-accepted"? YES NO

CONTACT REPRESENTATIVE

12. Name of Contact Representative (if other than applicant)	Telephone Number (include area code)
	Fax Number
	E-Mail Address
Firm or Company Name	
Mailing Street Address or P. O. Box	
City	State Zip Code

CERTIFICATIONS**13. Certification of Person Responsible for Preparing Engineering Information Submitted in this Form.**

I certify that I am responsible for the preparation of the engineering information contained in this form, that I am familiar with 47 C.F.R. Part 21 and that I have either prepared or reviewed the engineering information submitted in this form, and that it is complete and accurate to the best of my knowledge.

Date	Type or Print Name of Person Certifying	Signature	
Firm or Company Name			
Mailing Street Address or P. O. Box			
City		State	Zip Code
Telephone Number (include area code)	Fax Number	E-Mail Address	

14. CERTIFICATIONS OF LICENSEE

I am familiar with 47 C.F.R. Part 21 and have either prepared or reviewed the information submitted in this FCC Form 304A. The licensee waives any claim to the use of any particular frequency of the electromagnetic spectrum as against the regulatory power of the United States because of previous use of the same, whether by license or otherwise. All statements made in the attached exhibits are a material part hereof and are incorporated herein as if set out in full in this form. The undersigned, individually and for the licensee, hereby certifies that construction of the facilities as authorized has been completed, the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation, and that the statements made in this form are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

The applicant certifies that in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to § 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b). Failure to sign this application may cause dismissal of your FCC Form 304A or automatic forfeiture of your station authorization.

Date	Licensee (must correspond with that show on Page 1)
Signature	Type or Print Name of Person Signing
	Title (Position Held by Person Signing)
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).	