



Corporation  
for Public  
Broadcasting

**2021 Television Community Service Grants  
General Provisions and Eligibility Criteria**

**October 2020**

Questions should be submitted to [csg@cpb.org](mailto:csg@cpb.org)  
(Include station's call letters and four-digit Grantee ID)

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## 2021 Television Community Service Grants General Provisions and Eligibility Criteria

These Television Community Service Grants General Provisions and Eligibility Criteria (General Provisions) set forth the requirements applicable to the Corporation for Public Broadcasting (CPB) Television Community Service Grant (CSG) program. Part I contains the general requirements for the CSG program, Part II applies to CPB's supplemental CSG programs, Part III applies to CPB's TV-IC grants, and Part IV defines the terms used herein. CSG recipients must also comply with requirements in the documents identified in Exhibit A, which is attached hereto and incorporated herein by reference.

### PART I. CSG PROGRAM

#### Section 1. Eligibility Criteria

- A. Eligible Grantee:** An eligible grantee is a Licensee that:
1. operates one or more full-power UHF or VHF television broadcast stations, at least one of which is Licensee's Flagship Station and meets the eligibility criteria herein;
  2. received a CSG in FY 2020; and
  3. is determined by CPB to be a qualified CSG recipient.
- B. Ineligible Stations:** The following television stations are not eligible to receive a CSG:
1. closed-circuit stations;
  2. stations that are managed and operated by and for students;
  3. stations that primarily provide training programming to Licensee employees, clients, and/or representatives; and
  4. stations licensed to political organizations.
- C. Additional Eligibility Criteria:** Grantees in the categories below are subject to the following additional eligibility criteria:
1. **Joint Licensees:** Joint Licensees must individually meet the requirements set forth herein and the applicable General Provisions governing their radio CSG. Resources (including but not limited to NFFS and employee requirements) designated to meet the requirements of one CSG may not be used to meet the requirements for any other CSG.

**2. Minority Audience Service Station:** CPB will divide a single Base Grant equally among Grantees within a Multi-provider Market. However, Minority Audience Service Stations in Multi-provider Markets will receive their full Base Grants.

**D. Maintaining Eligibility:** Grantee is responsible for ensuring it is compliant with the General Provisions at all times during the Spending Period, and must promptly notify CPB of any non-compliance by email to the Director, TV CSG Policy and Review at: [csg@cpb.org](mailto:csg@cpb.org) (or the individuals CPB subsequently designates).

CPB reserves the right to reduce or eliminate Grantee's current or future CSG if CPB determines Grantee is not in compliance with the General Provisions and the CSG Agreement and Certification of Eligibility.

**E. TV CSG Re-Qualification:** A previously CSG-qualified Grantee may apply for a CSG provided that:

1. it is compliant with the General Provisions;
2. its Licensee does not receive a CSG for any other station that Licensee owns;
3. Grantee is a Fully Differentiated Station; and
4. Grantee provides the only public television service to a majority of its coverage area population.

**F. CPB Waiver:** CPB may, in its sole discretion and in exceptional circumstances, waive a non-statutory eligibility criterion in Section 1. Eligibility Criteria.

## Section 2. Communications Act Requirements

Grantee may not receive a CSG unless it complies with the applicable provisions of the Communications Act. In its annual CSG Agreement and Certification of Eligibility, Grantee must certify to CPB that it is compliant and will remain so throughout the Spending Period.

Certain requirements of the Act are summarized below. This summary does not include additional provisions of the Act or other applicable laws and regulations. More detailed guidance may be found in the [Compliance Booklet](#)<sup>1</sup>.

- A. Open Meetings:** Meetings of Grantee's governing body, its committees and CAB must be open to the public (47 U.S.C. § 396(k)(4)). In addition, CPB requires Grantees to give at least seven days advance notice of meetings, including the time and place, by:
1. posting notice on its station website;
  2. broadcasting notice on-air between 6 a.m. and 11 p.m., as shown by the station's log;
  3. placing notice in the "Legal Notices" section of a local newspaper in general circulation in the station's primary coverage area; or

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<sup>1</sup> June 2019 edition.

4. giving notice through a recorded announcement accessible on the station's phone system.
- B. Closed Meetings:** Grantee must document why any meetings of its governing body, its committees, and CAB were closed and make available to the public a written statement of the reason(s) within a reasonable time after the closed meeting (47 U.S.C. § 396(k)(4)). CPB also requires that the written statement be made available for inspection, either at Grantee's central office or on its station website, within 10 days after each closed meeting.
- C. Open Financial Records:** The Act requires stations to make available to the public their annual financial and audit reports and related financial information they are required to submit to CPB (47 U.S.C. §396(k)(5) and § 396(l)(3)(b)). CPB also requires that each Grantee post the following documents on its station website:
1. its most recent audited financial statement, or un-audited financial statement for stations exempt from providing audited financial statements; and
  2. its most recent AFR or FSR<sup>2</sup> (whichever is applicable).
- D. CAB:** All Grantees, other than those owned by a state, a political or special purpose subdivision of a state, or public agency, must have a CAB (47 U.S.C. § 396(k)(8)).
1. Grantee must undertake good faith efforts to ensure that its:
    - a. CAB meets at regular intervals;
    - b. CAB members regularly attend its meetings; and
    - c. CAB reasonably represents the diverse needs and interests of the communities served by Grantee's station.
  2. The CAB's responsibilities include the:
    - a. right to review the station's programming goals;
    - b. right to review the service provided by the station;
    - c. right to review significant policy decisions rendered by the station; and
    - d. obligation to advise the station's governing body on whether the station's programming and other significant policies are meeting the specialized educational and cultural needs of the communities served by the station, and to make recommendations that the CAB deems appropriate to meet such needs.
- E. Employment Statistical Report:** Each Grantee must:
1. file annually with CPB its Employment Statistical Report<sup>3</sup>; and

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<sup>2</sup> FSR is a form used by radio CSG recipients.

<sup>3</sup> The Employment Statistical Report required by the Communications Act is Section 1 of the Station Activity Survey. This report is different from the FCC's Equal Employment Opportunity requirements. See Section 20. Equal Employment Opportunity.

2. make its Employment Statistical Report available for public inspection at its central office and at each other location where there are six or more employees (47 U.S.C. § 396(k)(11)).

**F. Donor Information:** As required by 47 U.S.C. § 396(k)(12):

1. Grantee is barred from renting contributor names, donor names, or other personally identifiable information (collectively, Personal Information) to or from, or exchanging Personal Information with any federal, state, or local candidate, political party, or political committee.
2. Grantee is also barred, unless required by law, from disclosing a contributor or donor's Personal Information to any Nonaffiliated Third Party, unless the station:
  - a. clearly and conspicuously notifies contributors or donors that the station may release its Personal Information to Nonaffiliated Third Parties;
  - b. advises contributors or donors before any disclosure that they have the option not to have their Personal Information disclosed; and
  - c. explains to the contributor or donor how to exercise that non-disclosure option.

### Section 3. Recordkeeping Requirements

Grantee must comply with the recordkeeping requirements set forth below.

- A. Recordkeeping, Certification, and Audit Requirements:** The Communications Act mandates recordkeeping and auditing and provides CPB and its representatives access to all records concerning a CSG. Grantee must maintain such records as CPB may in its discretion require to facilitate an effective audit. (47 U.S.C. 396(l)(3)(B), (C), & (D)).

Additional information related to recordkeeping is found in the [Principles of Accounting](#).

- B. Records and Documentation:** Grantee must retain all CSG records, including documentation sufficient to substantiate its CSG Agreement and Certification of Eligibility, for no less than three years after the end of the Spending Period. However, CSG records must be retained for no less than 10 years, after commencement of any of the events below:

1. when litigation or an audit begins before the expiration of the three-year period; and
2. when CPB requests otherwise in writing.<sup>4</sup>

Notwithstanding the general three-year requirement, Grantee may need to retain some documentation for longer periods of time if necessary, to demonstrate its compliance with the General Provisions. For example, if the calculation of indirect costs and other valuations reported as NFFS were documented in prior years, they should be retained to support compliance in the current Spending Period.

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<sup>4</sup> CPB revised its records retention requirements effective FY 2015.

CPB reserves the right to disallow any expenditures Grantee cannot support with appropriate documentation.

- C. CSG Agreement and Certification of Eligibility:** Grantee must annually submit its CSG Agreement and Certification of Eligibility to CPB. Compliance is subject to audit by CPB's Inspector General and others, and improper certification may result in loss of CSG eligibility, and penalties under the Federal False Claims Act and the CSG Non-compliance Policy.
- D. Discrete Accounting Requirement:** During the Spending Period, Grantee must be compliant with the Discrete Accounting Requirement.
- E. Expenditures and Discrepancies:** Grantee's CSG expenditures must comply with the General Provisions. Failure to comply or provide appropriate documentation may result in CPB requiring Grantee to repay to CPB a portion or all the CSG funds it received.

In the event of an improper expenditure or any discrepancies or inaccuracies in CSG expenditures, whether reported by Grantee, discovered during an audit or otherwise, CPB may, in its discretion, reduce Grantee's CSG. In the event of a CSG reduction, CPB may decide whether to recover the overpayment immediately or by reducing the current or future CSG awards. If CPB requires Grantee to return all or part of the overpayment, CPB will notify Grantee in writing of the action it intends to take.

- F. Penalty for Late Filing:** If Grantee files any of the following beyond the required deadline, its next CSG will be subject to a penalty. The penalty is up to 1/365th of the next CSG for each day any of the following reports are late:
  - 1. AFR;
  - 2. Audited Financial Statements;
  - 3. Annual SABS; and
  - 4. Annual SAS.

#### Section 4. Operational Requirements

Grantees must comply with the operational requirements below.

- A. FCC Operating Requirements:** Grantee must comply with FCC requirements for the operation of a full-power, noncommercial educational television station throughout the Spending Period. Failure to comply with FCC requirements and the terms of the station's broadcast license may, at CPB's discretion, result in the loss or return of its CSG.

- B. Broadcast Schedule:** The substantial majority of each station’s daily total programming hours broadcast on all its channels, including its primary and multicast channels, must be devoted to CPB-Qualified Programming. The station must broadcast on a schedule of seven days per week, 52 weeks per year, for a total of at least 3,000 hours or 58 hours per week.
- C. Staffing Requirement:** Grantee’s staff must be managed by an executive or equivalent whose primary responsibility is to oversee the day-to-day operations of the station, including the responsibility and authority to:
1. determine when and what material the station broadcasts; and
  2. administer disbursements pursuant to a budget authorized by Grantee’s governing board.
- D. Minimum NFFS:** Each Grantee must have a minimum annual NFFS of \$800,000, which may be determined by either averaging Grantee’s NFFS from its three most recent fiscal years or by using Grantee’s current year NFFS. If Grantee fails to meet this minimum NFFS requirement, it will continue to receive a CSG if it provides the only public television service to most of its coverage area population and is determined by CPB to be financially viable<sup>5</sup>.
- E. Channel Sharing Agreement:** Two Grantees in a channel sharing agreement will continue to qualify for a CSG as long as they meet all other eligibility requirements. When one Grantee has the right to use less than half of the capacity of the shared channel, CPB may adjust its CSG.

In a channel sharing agreement between a CSG-eligible station and a commercial station, the CSG-eligible station must have the right to use at least one-half of the total capacity of the shared channel.

In both cases, the channel-sharing agreements may provide flexibility to allow stations to use more or less bandwidth at a given time, depending on the content being aired – a process called dynamic multiplexing – to optimize technical quality of all transmissions over the shared channel.

## Section 5. Diversity Statement

The Communications Act requires CPB to support diverse non-commercial educational content for unserved and underserved audiences. CPB’s goal, therefore, is to support stations in providing a wide variety of educational, informational, and cultural content that addresses the following elements of diversity: gender, age, race, ethnicity, culture, religion, national origin, and economic status. It is appropriate that Grantee engages in practices designed to reflect such diversity of the populations it serves. In support of these objectives, Grantee must comply with the following.

- A. Annual Review:** Annually review and make any necessary revisions to the station’s established diversity goal for its workforce, management, and boards, including community advisory boards and governing boards having governance responsibilities specific to or limited to broadcast stations.
- B. Diversity Statement:** Undertake the following to achieve Grantee’s diversity goal:
1. Annually review with the station’s governing board or Licensee Official:

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<sup>5</sup> CPB, at its sole discretion, will determine financial viability by examining financial and other relevant factors such as Grantee’s ability to pay bills and meet its debt obligations, and whether it has funds other than NFFS to support its operations.

- a. the diversity goal and any revisions thereto; and
  - b. practices designed to fulfill the station’s commitment to diversity and to meet the applicable FCC guidelines (47 C.F.R. § 73.2080).
2. Maintain on its website or make available at its central office, a diversity statement (approximately 500 words) that reflects on the following points, reviewing and updating the same annually with station management:
- a. the elements of diversity that Grantee finds important to its public media work;
  - b. the extent to which Grantee’s staff and governance reflect such diversity;
  - c. the progress Grantee has made to increase its diversity in the last two to three years; and
  - d. Grantee’s diversity plans for the coming year.
- C. **Annual Initiative:** Undertake one of the following initiatives on an annual basis:
- 1. include individuals representing the diverse groups served by Grantee for internships or work-study programs, which must be designed to provide meaningful professional-level experience and further public broadcasting’s commitment to education;
  - 2. include qualified diverse candidates in any slate of individuals considered for positions on elected governing boards that Grantee controls;
  - 3. provide diversity training for members of Licensee’s governing body or board of directors;
  - 4. participate in minority or other diversity job fairs; or
  - 5. provide diversity training for management and appropriate staff.
- D. **Recruiting:** Grantees are strongly encouraged to interview at least one qualified diversity candidate for each senior leadership position hire. The term “senior leadership position” includes: Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Chief Content Officer, General Manager, and other equivalent positions.

## Section 6. Transparency

- A. **Public Inspection of Documents and Website Posting:** To ensure transparency and public confidence in the use of CPB funds, the Communications Act requires Grantees to make certain documents available for public inspection. As set forth below, CPB also requires public access to other documents, and specifies how all documents must be made available for inspection, either by maintaining them at Grantee’s office or by posting them on its station website.

Website posting is not mandatory for all documents, but Grantees are encouraged to post all required information, including meeting notices, for convenience of public access. For purposes of these General Provisions, “station website” includes the website of Grantee’s station, if it has one, and if not then its Licensee’s website or an affiliated station’s website. If Grantee has none of the foregoing, it may, with CPB’s approval, use a website shared by other public broadcasting stations.

- B. Documents for Public Inspection: Website Posting Required:** At a minimum, each Grantee must post the following for public inspection on its station website.
1. Station Senior/Executive Management: The names, titles and contact information;
  2. Governing Body: A list of the members of its governing body;
  3. CAB Members: A list of its CAB members; and
  4. The most recent financial records (audited or unaudited financial statements and the AFR or FSR) as required by Section 2(C), Communications Act Requirements.
- C. Documents for Public Inspection: At Central Office or on Station Website:** At a minimum, each Grantee must maintain the following documents for public inspection at its central office, or post the same on its station website:
1. Diversity Statement (Section 5(B)(2)); and
  2. LCSR.

## Section 7. Spectrum Incentive Auction Transparency

Public media Licensees have an ethical obligation to their communities to conduct their activities in a transparent and accountable manner, consistent with legal and confidentiality obligations. Because public media Licensees hold their broadcast spectrum in trust for the public, Grantees whose participation in the Spectrum Incentive Auction would significantly reduce or terminate service to their communities should be as transparent as possible and solicit public comment as appropriate.

## Section 8: Training Requirements

- A. Annual Harassment Prevention Training:** To ensure that CPB-supported public media stations train their personnel to recognize, avoid and report workplace discrimination, including harassment, CPB requires annual harassment prevention training for all officers, employees, and interns of each station as a condition of Grantee's CSG eligibility. Grantee may satisfy this requirement through either of the following training options:
1. An interactive online harassment prevention training service, available free of charge through CPB, that instructs your personnel, individually on the following topics:
    - What constitutes acceptable and unacceptable workplace behavior;
    - How to recognize harassment when it occurs; and
    - How to report and respond to violations.
  2. A comparable harassment prevention training program of Grantee's choice. The program will be considered "comparable" if it instructs Grantee's personnel individually, either in person or online, on the three topics above.
- B. Annual CPB-sponsored Training:** Grantee must annually complete at least one CPB-sponsored training session, including live webinars and in-person training presented by CPB.

## Section 9. Donor Privacy

Grantee must comply with all applicable federal and state laws and regulations regarding donor privacy and data security.

## Section 10. Permitted CSG Expenditures

- A. Overview:** Pursuant to the Communications Act, CSG funds distributed “. . . may be used at the discretion of the recipient for purposes related primarily to the production or acquisition of programming” (47 U.S.C. § 396(k)(7)).

CSG funds must be used to support Grantee’s ability to expand the quality and scope of services it provides to the communities it serves. CSG expenditures must fall into one of seven categories listed in Exhibit B, which include salaries and benefits for personnel engaged in those activities.

## Section 11. Restricted CSG Expenditures

Grantee’s use of CSG funds is further restricted as follows.

- A. Entertainment:** Grantee shall not use any CSG funds for any reception or entertainment for any officer or employee of the federal government, or any state or local government (47 U.S.C. § 396(k)(2)(A)).
- B. Influencing Legislation:** Grantee shall not use any CSG funds to pay the salary or expenses of Grantee’s staff, or its agents, related to any activity designed to support, defeat, or influence legislation or appropriations before Congress, or any state legislature (26 U.S.C. § 501(c)(3)).

Grantee shall not use any CSG funds for activities designed to support, defeat, or influence legislation or appropriations pending before the Congress, or any state legislature. This also refers to activities including, but not limited to:

1. publicity or propaganda; and
2. the creation, distribution, or use of any kit, pamphlet, booklet, social media communications, publication, and radio, television, or video presentation.

However, if these activities support a presentation Grantee makes to or at the request of the Congress, any state legislature, or in support of recognized executive-legislative relationships, they may be exempt (26 U.S.C. § 501(c)(3)).

- C. CPB-Qualified Programming:** Grantee shall not use any CSG funds to cover the cost of producing, acquiring, or distributing programs, unless they are for CPB-Qualified Programming.
- D. Restricting CSG Funds:** Grantee may not impound or otherwise withhold or inappropriately restrict the station’s use of CSG funds. CSG funds may not be used to supplant funds or reduce budgets for other support already being provided to the station(s) by Grantee.
- E. Overhead Expenses:** Grantee shall not use CSG funds to offset a Licensee’s overhead or for any other expenses not directly related to the operation of the station, unless such overhead and expenses are enumerated in Section 4, Operational Requirements.
- F. Sale of Assets:** Grantee shall use CSG funds and the proceeds from the sale of assets acquired with CSG funds solely for the benefit of the public broadcast television station.

- G. Staffing Costs:** Grantee may use CSG funds to pay only the portion of an employee's salary for time spent working on the public broadcast television station's operations.
- H. Standard Pricing:** Grantee shall not use CSG funds for personnel services, programming (production and acquisition) expenses, or the cost of technical facilities in excess of the standard amounts Grantee usually pays for the same under similar circumstances.

## Section 12. Spending Period

CSG funds must be expended during the Spending Period in accordance with the purposes and restrictions set forth in these General Provisions, and the Financial Reporting Guidelines, incorporated herein by reference. Any funds not expended during the Spending Period must be returned to CPB no later than November 3, 2022. Expenditures inconsistent with these shall be considered unauthorized expenditures and must be returned to CPB pursuant to Section 16. Return of Funds. Once the Spending Period expires, Grantee may not reallocate disallowed expenditures.

## Section 13. CSG Payments and Report Due Dates

- A. CSG Payments:** CSGs will be disbursed to Grantee in two installments. However, each CSG payment is contingent upon Grantee's compliance with these General Provisions and submitting all required forms, reports, and/or other documents and information required by CPB.
- B. CSG Offer Expiration:** Grantee's Head of Grantee and Licensee Official must execute its CSG Agreement and Certification of Eligibility by June 30, 2021, or risk forfeiting its CSG as determined by CPB. If Grantee prefers to receive the CSG payment at a different date, Grantee must notify CPB in writing at [csg@cpb.org](mailto:csg@cpb.org).
- C. Report Due Dates:** To avoid penalties and delayed disbursement of CSG payments, Grantee must submit all required documents and reports to CPB on time. The financial forms (AFR and audited financial statement) are due within five months after the close of Grantee's fiscal year. As a condition of receiving the CSG, each Grantee must also complete and submit the annual LCSR, SABS, and SAS by February 15. If Grantee submits any of these documents after the filing deadlines, as determined by CPB, Grantee will be subject to a financial penalty set forth in Section 3 (F), Recordkeeping Requirements.

## Section 14. Extent of CPB Commitment

CPB makes no commitment or representation, expressed or implied, to provide Grantee funds in excess of the CSG for which Grantee qualifies and CPB determines is appropriate. CSG awards are contingent upon CPB receiving its federal appropriation. In the event reductions occur in the amount of the federal appropriation, which is allocated to CSG awards, whether by rescission or otherwise and whether before or after funds are paid to Grantee, the CSG awards shall be recalculated based on the revised appropriation and reduced accordingly and Grantee shall refund to CPB any amount paid to it in excess of the reduced award.

## Section 15. Termination

CPB reserves the right to terminate a Grantee's CSG if it fails to comply with the General Provisions or provides inaccurate information to CPB in any certification required by the General Provisions or any

CSG-related document. Upon termination, CPB may, in its sole discretion, require Grantee to return CSG funds pursuant to Section 16, Return of Funds.

## Section 16. Return of Funds

- A. Unused Funds:** All FY 2021 CSG funds that are not expended by September 30, 2022, must be returned to CPB on or before November 3, 2022.
- B. Unauthorized Expenditures:** Unauthorized CSG expenditures shall be repaid by Grantee to CPB immediately upon CPB's request.
- C. Loss of CSG Eligibility:** When a Grantee is no longer eligible to receive a CSG, CPB, in its sole discretion, may require any Grantee to return CSG funds, as set forth below.
1. In any of the situations described in paragraphs (2), (4), or (5) below, CPB may require a recipient of a CSG to return the greater of:
    - a. all unexpended CSG funds from grant periods that have not yet expired; or
    - b. the amount equal to the *pro rata* monthly share of the total CSG for all grant periods that have not yet expired, multiplied by the number of full months remaining in the grant period(s).
  2. In addition to the amount that CPB may require a CSG recipient to return under paragraph (1) above:
    - a. If any recipient of a CSG effectuates a transfer of control, assignment, or lease of its broadcast license to a non-CSG-qualified organization, whether or not effectuated in accordance with Section 18. Assignment, CPB may require the recipient to return an amount not to exceed the greater of: (a) twenty percent of the sale price in the event of a sale, (b) twenty percent of the amount to be paid under the lease over the course of its term in the event of a lease, or (c) twenty percent of all CSG funds that have been provided, as calculated on a *pro rata* monthly basis, during the 24-month period preceding the effective date of the Grantee's agreement for transfer of control, assignment, or lease; or
    - b. If any recipient of a CSG ceases to operate a qualified public television service due to the relinquishment or loss of its broadcast license, CPB may require the recipient to return an amount not to exceed fifteen percent of all CSG funds that have been provided, as calculated on a *pro rata* monthly basis, during the 24-month period preceding the date on which the relinquishment or revocation becomes final (*i.e.*, no longer subject to administrative or judicial review), provided, however, that if the relinquishment of a broadcast license is related to a merger or consolidation with another CSG-qualified organization, then CPB's ability to require the return of funds shall be governed by paragraph (3) below rather than this paragraph; or
    - c. If CPB determines that any recipient of a CSG, for any reason other than those set forth in paragraphs (1) and (2) above, is no longer qualified to receive CSG funds (including but not limited to as a result of a failure to comply with any requirement of these General Provisions or the imposition by the FCC of limits upon its operations), CPB may require the recipient to return an amount not to exceed fifteen percent of all CSG funds that have been provided, as calculated on a *pro*

*rata* monthly basis, during the 24-month period preceding the date on which CPB determines that the recipient was no longer qualified.

3. If a Grantee:
  - a. effectuates a transfer of control, assignment, or lease of its broadcast license to a non-CSG-qualified organization that, as a result of the transfer of control, assignment, or lease desires to become a CSG-qualified organization and is otherwise qualified, or
  - b. relinquishes its broadcast license pursuant to a merger or consolidation with another CSG-qualified organization, or
  - c. complies with the requirements of Section 18. Assignment, CPB may, in its sole discretion, permit the recipient to assign any of the funds that CPB might otherwise require the recipient to return pursuant to paragraph (1) above to the organization with which the recipient's operations were or are to be merged or consolidated, provided that the recipient demonstrates to CPB's satisfaction that such funds will be used in accordance with these General Provisions.
4. If any recipient of a CSG effectuates a transfer of control, assignment, or lease of its broadcast license to another CSG-qualified organization and complies with the requirements of this Section, CPB may, in its sole discretion, permit the recipient to assign any of the funds that CPB might otherwise require the recipient to return pursuant to paragraph (1) above to the CSG-qualified transferee or lessee, provided that the recipient demonstrates to CPB's satisfaction that such funds will be used in accordance with these General Provisions.
5. A Grantee that relinquishes its license in the Spectrum Auction and ceases broadcast operations entirely will be required to return all CSG funds to CPB from any open grant period, except if two Grantees merge or Licensee holds multiple stations and at least one of its stations is eligible to receive a CSG.

**D. Procedures for Return of Funds:** In all cases in which funds must be returned, checks shall be made payable to the Corporation for Public Broadcasting, and forwarded to Vice President and Controller, Corporation for Public Broadcasting, 401 9<sup>th</sup> Street, N.W., Washington, DC 20004. If Grantee fails to return funds due to CPB, CPB reserves the right to offset said amount due against Grantee's future CSG payment(s).

### Section 17. Consolidation

The management and operational control of all noncommercial television stations licensed to the same entity are consolidated when calculating CSG amounts. The following types of television stations may not be consolidated:

1. closed-circuit stations;
2. stations managed and operated by and for students;
3. stations that primarily provide training programming to Grantee employees, clients, and/or representatives; and
4. stations licensed to political organizations.

## Section 18. Assignment

Grantee may not assign any of its rights or obligations hereunder in whole or in part (even if a third party becomes responsible for providing programming for all or part of a station's broadcast schedule or any other aspect of Licensee's broadcast operations) without CPB's prior written consent.

## Section 19. Nondiscrimination

Grantees must comply with the nondiscrimination provisions set forth below.

- A. Discrimination:** Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, or physical or mental handicap. Grantee will take affirmative action to ensure that applicants are considered for employment without regard to their race, color, religion, age, sex, national origin, or physical or mental handicap.
  
- B. Laws and Regulations:** Grantee shall comply with all laws and regulations prohibiting discrimination on the basis of race, color, religion, age, sex, national origin, or physical or mental handicap that may be applicable to Grantee, including but not limited to the following:
  - 1. Title III of the Public Telecommunications Financing Act of 1978 (47 U.S.C. § 398);
  - 2. Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2002e);
  - 3. Equal Pay Act of 1963 (29 U.S.C. § 206);
  - 4. Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621-634);
  - 5. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2002d);
  - 6. Title IX of the Education Amendment of 1972 (20 U.S.C. § 1681);
  - 7. Title V of the Rehabilitation Act of 1973 (29 U.S.C. § 790-794); and
  - 8. FCC's regulations concerning equal employment opportunity (47 C.F.R. § 73.2080).
  
- C. Subcontracts:** Grantee must include the provisions of this Section in all contracts and subcontracts funded by its CSG.

## Section 20. Equal Employment Opportunity

Grantee must certify in its CSG Agreement and Certification of Eligibility to CPB that it complies with the FCC Rules concerning equal employment opportunity (47 C.F.R. § 73.2080) and the requirements in the Communications Act concerning equal employment opportunity (47 C.F.R. § 396 (k)(11)(A)).<sup>6</sup>

## Section 21. Other Nondiscrimination Requirements

- A. Discrimination Claims:** Grantee acknowledges that CPB is a private, nonprofit corporation and does not have the legal authority to investigate and adjudicate complaints alleging discriminatory

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<sup>6</sup> FCC requirements are different from CPB's Employment Statistical Report requirements, which are detailed in Section 2(E), Communications Act Requirements.

practices by Grantee. CPB will, therefore, refer all such complaints it receives to a government agency with jurisdiction to conduct any proceedings that may be appropriate. Further, CPB will cooperate fully with every such agency with jurisdiction to inquire into alleged discriminatory practices by a Grantee.

- B. Applicable Laws and Regulations:** Grantee acknowledges that the laws and regulations prohibiting discrimination against persons on the basis of race, color, religion, national origin, age, sex, or physical or mental handicap may be federal, state, or local and may vary from jurisdiction to jurisdiction.

Grantee represents and warrants that it knows, understands, and applies the laws and regulations regarding discrimination and acknowledges that CPB is under no obligation to advise Grantee of the same unless required by law or regulation.

- C. Suspension or Cancellation of CSG:** Whenever a court or government agency with jurisdiction shall make a determination that Grantee is in violation of federal, state, or local laws and regulations prohibiting discrimination on the basis of race, color, religion, age, national origin, sex, or physical or mental handicap, and notice of such determination is provided to CPB, CPB shall promptly notify Grantee that, unless Grantee demonstrates to CPB's satisfaction, within 30 days, that the violation has been corrected or that Grantee is in compliance with all provisions of such determination, CPB may suspend or cancel all CSG or other CPB funding.

Whenever such determination is appealed or otherwise challenged in an appropriate forum, whether or not the effect of such determination is stayed pending appeal, CPB shall notify Grantee that, unless Grantee can show cause to the contrary within 30 days, CPB shall suspend or cancel CPB assistance. If CPB decides to suspend or cancel such funding, all sums that would have been payable to Grantee shall be held by CPB pending completion of the appellate process, and CPB shall not suspend or cancel its non-financial and/or in-kind assistance during the appeal.

## Section 22. Governing Law and Jurisdiction

Except as otherwise required by law, Grantee agrees that the General Provisions and all instruments between Grantee and CPB related thereto shall be construed in accordance with the laws of the District of Columbia. Notwithstanding the jurisdiction of any other court, by accepting a CSG, Grantee expressly submits and consents in advance to the jurisdiction of the Superior Court of the District of Columbia and the U.S. District Court for the District of Columbia for all claims or disputes pertaining directly or indirectly to any CSG or Interconnection Grant, or any program set forth in the General Provisions, or any matter related thereto. Grantee further agrees that in any action or proceeding commenced in any court in the District of Columbia, Grantee shall be deemed to have been duly served with process of such court when process is delivered to Grantee personally or by certified or registered mail (return receipt requested) within or outside of the District of Columbia.

## Section 23. Amendment to General Provisions

CPB reserves the right, in its sole discretion, to amend the General Provisions and will notify Grantee of the same. Grantee will be deemed to agree and comply with the amendments unless it notifies CPB otherwise in writing within 30 days of receipt of CPB's notification.

Upon receiving Grantee's notification, Grantee will be disqualified from the CSG program and Grantee shall immediately repay CPB any amounts due CPB under Section 16. Return of Funds.

## Section 24. Headings

The headings contained herein are for convenience only and shall not be interpreted to limit or otherwise affect the provisions herein.

## PART II. SUPPLEMENTAL CSG PROGRAMS

Part II sets forth the provisions that govern Supplemental CSG Programs. These programs are subject to the provisions set forth in Part I of these General Provisions. In the event of a conflict between Part I and Part II, this Part II shall govern.

### Section 1. USSG

The USSG provides supplemental CSG funding to Grantees that meet the criteria below. USSG funds will be disbursed to Grantees in one installment with their first CSG payment. Two percent of CPB's FY 2021 federal appropriation is allocated for the USSG program.

1. USSGs are provided to Grantees that serve a rural population, i.e., a non-urban population as defined by the 2010 U.S. Census, calculated relative to the size of their population compared to populations served by other Grantees awarded a USSG; and
2. USSGs are provided to Grantees that serve a population of less than one million that is not classified as rural by the 2010 U.S. Census, calculated relative to the size of their population as compared to populations served by other Grantees awarded a USSG. Grantees may not include in their population any portion of that population served by other USSG Grantees.

### Section 2. TV DSG

The TV DSG provides supplemental CSG funding to Grantees that operate multiple digital repeater transmitters or translators that serve distant communities. Grantee must use TV DSG funds to support local services to multiple communities and distant populations including local content and productions, outreach initiatives, and educational projects and services.

TV DSG funding is calculated based on a percentage of the Base Grant. The percentage for each station increases when its total number of transmitters increases, as set forth below. The total amount available for the Base Grant equals 0.12 percent of CPB's FY 2021 federal appropriation.

<b>TV DSG PROGRAM</b>	
<b># of Digital Transmitters</b>	<b>% of CSG Base Grant</b>
3	5%
4	7.5%
5	10%
6	20%
7	30%
8	40%
9	50%
10	60%
11	70%
12 or more	80%

- A. Eligibility:** Only Grantees meeting the following criteria are eligible to receive TV DSG funding:
1. eligible to receive a CSG;
  2. operate three or more digital transmitters or transmitter-equivalents (10 translators are considered the equivalent of one transmitter); and
  3. deemed qualified by CPB to receive TV DSG funding.
- B. Distribution and Use of Funds:** TV DSG funds will be disbursed to Grantees in one installment and included in Grantees' first CSG payment.

## **PART III. TV-IC**

Part III sets forth the provisions that govern the TV-IC, supported by CPB's system support funds. These grants are subject to the provisions set forth in Part I of these General Provisions. In the event of a conflict between Part I and Part III, this Part III shall govern.

The Communications Act authorizes CPB to assist in the establishment and development of one or more interconnection systems to be used for the distribution of public telecommunications services. CPB will support the public television interconnection expenses in FY 2021 through TV-IC grants to stations qualified to receive a CSG. TV-IC awards are calculated as a share of \$4 million. Grantee's share is proportional to its share of the total CSG amount awarded to Grantees.

- A. Eligibility:** Grantees of stations receiving a CSG are eligible to receive a TV-IC.
- B. TV-IC Awards:** CPB automatically calculates station's TV-IC awards, and stations are not required to apply for the same.
- C. Use of Funds:** Stations receiving a TV-IC must expend the same during period October 1, 2020, through September 30, 2021. Stations may use TV-IC funds to pay only for interconnection and/or program distribution costs. Grantees must return immediately to CPB any TV-IC funds not expended in accordance with these provisions.



## PART IV. DEFINITIONS

The following terms are defined as set forth below.

- A. **Annual Financial Report (AFR):** The financial information that Grantees must annually report to CPB, detailed in the FY 2020 [Financial Reporting Guidelines](#).
- B. **Base Grant:** The portion of the CSG which is equal to 0.12 percent of the total CPB appropriation. If two or more Grantees merge, the resulting Grantee will be entitled to an increase in its base grant equal to the amount of the latest base grant CPB awarded the Grantee or Grantees that no longer exist, as identified in CPB's Consent to Assignment Agreement. The increase will be in effect for the next CSG award and extend for three additional consecutive years, which CPB may extend, at its sole discretion.
- C. **Communications Act:** The Communications Act of 1934, as amended (47 U.S.C. § 396, et seq.).
- D. **Compliance Booklet:** A booklet entitled "[Compliance, June 2019](#)" that explains certain Communications Act requirements applicable to CSG recipients, which is incorporated herein by reference.
- E. **Community Advisory Board (CAB):** An advisory body most television stations are required to maintain pursuant to the Communications Act.
- F. **Community Service Grant (CSG):** Unless otherwise identified, an FY 2021 Television Community Service Grant awarded to a Grantee by CPB.
- G. **CPB:** The Corporation for Public Broadcasting.
- H. **CPB-Qualified Programming:** General audience programming broadcast that serves a station's demonstrated community needs of an educational, informational, or cultural nature.

Programs that are not considered CPB-Qualified Programming include but are not limited to:

1. programming that furthers the principles of particular political or religious philosophies; and
  2. programming designed primarily for in-school or professional in-service audiences.
- I. **CSG Agreement and Certification of Eligibility:** The agreement each CSG Grantee must submit to CPB electronically through CPB's Integrated Station Information System, certifying Grantee's

compliance with the terms and conditions of its CSG, including applicable requirements in the Communications Act and General Provisions.

- J. Discrete Accounting Requirement:** Grantees must use unique accounting codes for CSG revenues and expenses. Specifically, Grantee's accounting systems must be able to generate a report showing CSG revenues and how those funds were expended, using unique accounting codes. Those accounts may not include non-CSG revenues or expenses.
- K. Employment Statistical Report:** Grantee's report identifying:
1. the race and sex, the number of employees in each of eight full-time and part-time job categories (officials and managers, professionals, technicians, office and clerical personnel, skilled craft persons, semi-skilled operatives, unskilled operatives, and service workers); and
  2. the number of job openings occurring during the year.
- L. FCC:** The Federal Communications Commission.
- M. Financial Reporting Guidelines:** CPB's instructions on accounting for and reporting on a Grantee's use of CSG funds for FY 2020 and amendments thereto.
- N. Flagship Station:** When a Licensee has multiple stations, it is the station that Grantee designates in CPB's Integrated Station Information System to receive the CSG.
- O. Full-Time Employee (FT Employee):** Permanent personnel employed by Grantee, Licensee or a parent company, subsidiary, affiliate, or third-party operator, under contract with Licensee:
1. that possess the skills and expertise in the management, programming, production, promotion, development, or engineering areas of radio station operations;
  2. that are paid no less than the minimum federal hourly wage plus all benefits that Licensee (or a parent company, subsidiary, affiliate, or third-party operator under contract with Licensee) routinely provides to its FT Employees; and
  3. whose terms of employment require working the number of hours that constitute a normal work week at said institution.
- P. Grantee:** The Licensee eligible to receive a CSG.
- Q. Head of Grantee:** The head of grantee is the highest-ranking representative of the station's management responsible for station operations, i.e., its president and chief executive officer.
- R. Joint Licensees:** Licensees eligible to receive television and radio CSGs.
- S. Licensee:** The entity with a valid, renewable license from the United States Government to operate a full-power, noncommercial, educational television station.
- T. Licensee Official:** For community licensees, it is licensee's governing body chair or vice chair; for other licensees, it is licensee's governing body chair, vice chair, or designated senior level representative who is not a member of the station's management and who has the authority to enter into binding contracts on Licensee's behalf.

- U. Local Content and Service Report (LCSR):** The annual report that Grantee must submit to CPB describing the content created, acquired, and distributed in support of its community's needs and interests. The report should include analysis on the reach and impact of online, on-air, and community engagement content and services. Grantees determine what qualifies as local content and service.
- V. Minority Audience Service Station:** A station that is licensed to: a designated Historically Black College or University<sup>7</sup>; a Native American Tribe<sup>8</sup>; a consortium of Native American Tribes; an entity controlled by a Native American Tribe<sup>9</sup>; or a community within recognized Tribal Lands, if a substantial portion of its coverage area consists of Tribal Lands.
- W. Multi-provider Markets:** Markets CPB designates as Multi-provider Markets, which are identified in Exhibit C attached hereto and incorporated herein by reference. Grantees in Multi-provider Markets share a single Base Grant. unless they also qualify as a Minority Audience Service Station.
- X. Nonaffiliated Third Party:** Any person, company, partnership, or other party that is not controlled by or acting on behalf of, or at the request of, the Grantee for the purpose of fundraising, underwriting, or development for the station.
- Y. Non-Federal Financial Support (NFFS):** The total cash and the fair market value of property and services Grantee received from sources other than the United States or any agency or instrumentality of the United States or any public broadcasting entity, as further defined in 47 U.S.C. § 397(9).

Additional details and definitions of what revenues qualify as NFFS are contained in the [Financial Reporting Guidelines](#), and [Principles of Accounting](#).

- Z. Principles of Accounting:** Application of Accounting and Financial Reporting to Public Telecommunications Entities, May 2005 edition.
- AA. Spectrum Incentive Auction:** The FCC auction that commenced in 2016 to reallocate a portion of broadcast spectrum used by television stations and make it available for use by wireless carriers.
- BB. Spending Period:** CSG funds may be expended from October 1, 2020 through September 30, 2022.
- CC. Station Activities Benchmarking Study (SABS):** The survey collects standard financial and operational information from Grantees. The data is provided to public broadcasting stations and national organizations to support decision-making, understand performance issues, identify improvement opportunities, and achieve defined objectives.

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<sup>7</sup> As defined by the Higher Education Act of 1965, 20 U.S.C. §1601, et seq., as amended.

<sup>8</sup> Native American Tribe means any Native American Indian or Alaska Native tribe, band, pueblo, village, or community within the continental United States that the Secretary of the Interior presently acknowledges to exist as an Indian Tribe (25 C.F.R. §83.1).

<sup>9</sup> CPB considers an entity controlled by a Native American Tribe if: 1) a majority of the entity's governing body's voting members are enrolled Native American Tribe members and their lands are served by the station, or 2) the majority of the entity's governing body's voting members are appointed by a Native American Tribe.

- DD. Station Activity Survey (SAS):** The survey that CPB uses to collect information on station operations to enable CPB to advocate the interests of public broadcasting, assist stations and other public broadcasting organizations with planning and evaluation, and to anticipate industry trends.
- EE. Supplemental CSG Programs:** The following programs: USSG and DSG.
- FF. TV DSG:** The Distance Service Grant that CPB provides to qualified Grantees as explained in Part II.
- GG. TV-IC:** The Interconnection Grant that CPB provides to Grantees as explained in Part III.
- HH. USSG:** The Universal Service Support Grant that CPB provides to qualified Grantees as explained in Part II.

**Exhibit A**  
**Documents Governing Grantees**

1. Television CSG Agreement and Certification of Eligibility
2. Financial Reporting Guidelines
3. Principles of Accounting
4. CSG Non-compliance Policy, January 2016
5. Transmitters and Translators Form
6. TV Channel Sharing Certification Form
7. CPB Consent to Assignment Agreement
8. Television Community Service Grant Qualified Licensee Form
9. Fiscal Year 2021 Television Station Grant Calculations

## **Exhibit B**

### **Permitted CSG Expenditures**

CSG expenditures must fall into one of seven categories listed below.

**1. Programming, Production, and Services:** Programming, Production, and Services include Programming and Production, Educational Programs, and Educational Outreach Activities as set forth below.

- a. Programming and Production:** The acquisition of programming, program operations, program development, program planning, production operations, editing, and the following:
  - i. fees or dues to acquire broadcast rights for programs or series, or rights to use or adapt published materials;
  - ii. program or web content planning and research (script writing, printing, and consulting) in support of programming or production;
  - iii. directors, producers, cast, stagehands, engineers, technicians, and other personnel involved in programming or production;
  - iv. rental of facilities to support programming and production;
  - v. rental of production equipment;
  - vi. space, supplies, and other station resources used in programming or production;
  - vii. repair and maintenance of programming and production equipment; and
  - viii. depreciation and amortization of station equipment and leasehold improvements used for programming and production purposes.
  
- b. Educational Programs:** The creation, production, or purchase of programs with educational intent or instructional design as defined below. Grantee must clearly identify the percentage of CSG funds used for the same.
  - i. “Educational intent” is defined as content designed to address specific educational interests of a target audience.
  - ii. “Instructional design” is defined as content having an educational intent and substantially involving educators in program development. This content includes ancillary materials to support or supplement the same. It also includes the costs of obtaining rights at the time of production for institutional off-air recording, audio visual, re-versioning, and other similar costs.
  
- c. Educational Outreach Activities:** Community outreach and engagement activities related to local or national programs and the following:

- i. local or national services that enable viewers and listeners to follow up on programs through computer, video, and audio conferencing;
  - ii. town meetings;
  - iii. local call-in shows;
  - iv. public service announcements;
  - v. telephone hot lines; and
  - vi. the dissemination of related information and materials related to the items set forth above.
2. **Broadcasting, Transmission, and Distribution:** Broadcasting, transmission, distribution, and the following:
  - a. scheduling programs for airing;
  - b. repair and maintenance of broadcasting equipment;
  - c. depreciation of antennae, transmission, and other broadcasting equipment;
  - d. distribution and interconnection fees;
  - e. engineering; and
  - f. web hosting and streaming fees.
3. **Program Information and Promotion:** Informing the viewing or listening public of available program services and the following:
  - a. producing or acquiring “spots” designed for the promotion of specific programs;
  - b. advertising in newspapers or other media;
  - c. preparing, reproducing, and distributing program guides;
  - d. travel and related expenses of promotion;
  - e. dues or fees related to this function; and
  - f. supporting services.
4. **Fundraising and Membership Development:** Activities to persuade others to contribute money, securities, time, materials, or facilities to the station, such as:
  - a. solicitation of underwriting funds and grants;
  - b. membership development;
  - c. acquiring and distributing fundraising material;
  - d. designing, printing, and distributing leaflets or posters for fundraising;
  - e. meetings for improving fundraising techniques;
  - f. services of fundraising consultants and talent;
  - g. developing and maintaining contributor records;
  - h. committee meetings dealing with fundraising policies and issues, including the preparation of minutes and reports of such meetings;



**Exhibit C**  
**Stations in Multi-provider Markets**

The stations below are in Multi-provider Markets.

Chicago

WTTW  
WYIN

Denver

KBDI  
KRMA

Lincoln

KUON  
NETV

Los Angeles

KCET  
KLCS  
KVCR

Madison

WHA  
WPTV

Miami

WLRN  
WPBT

New Orleans

WLAE  
WYES

New York City

WNET  
WNYE

Orlando

WEFS  
WUCF

Salt Lake City

KUED  
KUEN

San Francisco

KQED  
KRCB

San Juan

WIPR  
WMTJ

Seattle/Tacoma

KBTC  
KCTS

Washington, DC

WETA  
WHUT