



Broadcast Newsletter

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COMMENT PERIOD EXTENDED FOR FM TRANSLATOR INTERFERENCE RULES REVISION

When the FCC kicked off its [rulemaking proceeding](#) to consider changes to the FM Translator Interference rules, the comment deadline – July 6th, the end of what was likely to be a vacation week for many – caused more than a few furrowed brows. But after a request by several large organizations, the FCC has [kicked that deadline](#) down the road by 30 days to August 6, 2018. So there’s no more need to scramble to get comments on file.

That said, the need for input on these rule changes from both full power and FM translator licensees is important. The scope of the proposed changes will make an impact, potentially limiting how far out full power FM signals will be protected from FM translator interference. Stricter evidentiary requirements for proving interference are also on the table.

TV REPACK EXPENSE CATALOG UPDATED

On June 27, 2018, the FCC announced that it has updated the prices in its catalog of reimbursement expenses for stations being repacked. Those reimbursement items are imbedded into the FCC’s Form 399 used to process reimbursements, and the price update is tied to an industry formula.

Here’s the good news for reimbursement-weary stations trying to receive funds through the FCC’s tangled bureaucratic thicket for proving expenses – broadcasters don’t have to take any action as a result of the price update. That’s right, the new prices will be auto-populated in broadcasters’ forms as the “predetermined cost estimate.” So if you notice changes in those figures, the price update is the explanation. You can view the new catalog prices [here](#) if you’d like.

FM TRANSLATOR AUCTIONS UPDATE

Ok, just remember that 99 was first, followed by 83, and 100 is still to come. For the FCC's FM translator auctions, that's the score.

Auction 99, for cross-service FM translators that remained mutually exclusive after a settlement window, is now complete, with winning bidders facing a deadline of July 2, 2018 to file their Long Form 349.

Auction 83, a 15-year old proceeding for FM translators not connected to the AM revitalization, completed round 27 yesterday, with total bids near \$600,000 for approximately 27 authorizations.

Auction 100, another cross-service FM translator proceeding, completed a settlement window for mutually exclusive applications on June 14, 2018. A future auction of any remaining mutually exclusive applications should be announced soon.

INTERNATIONAL BUREAU EXTENDS EARTH STATION FILING WINDOW

Back in April, the FCC's International Bureau announced a freeze on the filing of new earth station licenses and fixed microwave filings in the 3.7-4.1 GHz frequency band. As an exception to the freeze, the Bureau also announced a 90-day window ending July 18, 2018 for entities to voluntarily register or modify receive only earth stations, among others. That has resulted in a flurry of filings for C-band receive only dishes, pushing the International Bureau Filing System (IBFS) to its limits.

On June 21, 2018, recognizing the difficulties applicants are having with the system, and the complexity of the filings that are necessary, the Bureau [extended](#) the deadline to October 17, 2018. Having assisted several clients with these filings, we agree with the difficulties and with the extension. If you have not filed to register your C-band dish, we recommend that you do so. It is widely believed that portions of this frequency band are going to be opened for broadband use, and receive-only earth stations that are not registered

will be subject to interference received by new users of the band.

FCC SILENCES LPFM GROUPS' ATTEMPTS TO LIMIT GRANT OF FM TRANSLATOR PERMITS

The FCC has now spoken (thankfully) on an ill-timed and overly broad informal objection filed by Low Power FM groups against nearly 1,000 pending FM translator applications. In a six-page [letter decision](#) issued June 8, 2018, the FCC's new Audio Division Chief, Albert Shuldiner considered but summarily overruled each of the arguments raised by the groups. In some instances, the issues raised by the groups were so devoid of merit or contained obvious defects that Shuldiner's decision could be read as a rebuke of the groups for delaying the processing of FM translator permits and the AM revitalization effort.

Shuldiner's ruling eliminated the need for individual applicants to respond to the informal objection and cleared the way for FM translator application processing to resume. Several hundred permits have since been issued. Kudos to Mr. Shuldiner for stepping in to keep the AM revitalization on track.

LPTV DISPLACEMENT WINDOW PERMITS TRICKLE IN

The FCC's [Special Displacement Window](#) for LPTV and TV translator stations being displaced by the post-auction repack closed 30 days ago, and construction permits have slowly begun to be issued by the FCC. In general, we're seeing that the earliest filed applications in this window – those filed by T-Mobile displaced stations last fall but delayed for processing as part of the filing window – are being granted first so that build-outs can be completed.

There's no word yet from the FCC on its plans to announce a special window for mutually exclusive applicants to file technical amendments or other settlement proposals. It's our understanding that there are several (but not as many as we would have thought) mutually exclusive applications in spectrum congested areas like larger cities.

There's also no word from the FCC on how it plans to distribute Congressionally-approved funds to partially reimburse displaced LPTV stations for the costs of building out on another channel. We're hoping that there is some improvement in that process as compared to the full power reimbursement regime, which has been hampered by software glitches and seemingly inane processing requirements.

New Round of EEO Audits

The FCC has [announced](#) EEO audits for several more broadcast stations, which have until August 6, 2018 to respond. This is the second round of EEO audits in 2018. Not sure if your station is on the list? Check [here](#) to be sure. The new email notification and response via uploading to the online public file procedures remain in place for this audit.

Media Bureau Opens Docket for Children's Television Rules

In advance of a July 12, 2018 vote on proposed changes to the current children's television programming rules, the FCC has opened a docket and issued [a fact sheet and draft notice of proposed rulemaking](#). The draft NPRM suggests rule revisions that would be a true sea change in the tedious requirements for documenting compliance, including shifting from a quarterly to annual Form 398 filing requirement, and eliminating the need for additional children's core programming on station multicast channels.

DATES TO REMEMBER

July 2, 2018

Last day to file Long Form 349 for Cross-Service FM Translator Auction 99 Winners

July 10, 2018

TV, Class A, AM & FM Stations (commercial & noncommercial): complete 1st quarter 2018 issues/program reports and post to your online public inspection file.

TV & Class A Stations (commercial only): complete and electronically file via LMS the FCC Form 398 Children's TV Programming Report for 2nd Quarter 2018. **Also** compile and post to online public file records relating to station's compliance with children's programming commercial limits.

Class A TV Stations Only: complete and post to your online public file certification of ongoing Class A eligibility.

TV & Class A Stations Changing Channels in the Post-Auction Repack: prepare and file via LMS the required transition progress report.

NCE Stations Only: for any third-party fundraising conducted in the 2nd Quarter of 2018, complete and place in the public file the required disclosure regarding the fundraising effort.

August 1, 2018

AM, FM, TV & Class A Stations in North Carolina, South Carolina, Illinois and Wisconsin: if (5) full-time station employment unit employee threshold is met, complete EEO public file report and place it in the station online public inspection file as well as post on station website.

TV & Class A Stations in California: if five (5) full-time station employment unit employee threshold is met, complete EEO public file report and post same in online public file as well as post on station website and prepare **and** electronically file mid-term EEO Form 397 via the License Management System (LMS).

August 6, 2018

Deadline for filing comments in the FM Translator Interference Rules NPRM Proceeding

October 17, 2018

Extended window-filing deadline for C-Band Earth Station Receive Only Registrations and other filings

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