



Broadcast Newsletter

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OCTOBER DEADLINE TO REGISTER EARTH STATIONS

The FCC's International Bureau continues to remind fixed satellite service earth station users in the 3.7-4.2 GHz band to either license or register such earth stations no later than October 17, 2018. Many radio and television broadcasters have satellite dishes using this spectrum, parts of which will soon be repurposed and auctioned. Holders of new licenses will have to protect earth stations, but only if they are registered. The filing deadline has already been extended 90 days. Registration can be completed in the FCC's [IBFS filing system](#). Neither the system nor the form is a model of simplicity, so you may want to reach out to your consulting engineer for assistance.

KID-VID RULE CHANGES ON THE HORIZON

Initial comments on the FCC's proposed changes to the children's television programming requirements for TV stations were due on September 24, 2018. Numerous organizations and stations weighed in on the FCC's proposed reforms, with broadcasters largely in full support of relaxing and revising the current requirements. Reply comments are due no later than October 23, 2018. A decision by the FCC is possible late this year, but more likely will come in the first quarter of 2019.

NATIONAL EAS TEST RESCHEDULED TO OCTOBER 3RD

Due to the aftermath of Hurricane Florence, the FCC postponed the originally scheduled September 20, 2018 National EAS Test, moving it to October 3, 2018.

The National EAS Test will be transmitted that day at 2:20 p.m. EDT. By 11:59 pm EDT that same day, all stations must also file the EAS Form Two in ETRS, which won't become available to work on/complete until the test is complete. EAS Form Three is then due no later than November 19, 2018. All forms are filed through the FCC's [ETRS web page](#).

In case you missed the EAS Form One deadline, all broadcast stations (except TV and FM translators) were to have filed their EAS Form One by August 27, 2018. If your station has not, it should do so now.

2018 RESCHEDULED DIRS EXERCISE CANCELLED

Due to Hurricane Florence, the FCC decided to cancel its Disaster Information Reporting System (DIRS) exercise that had previously been rescheduled to September 13-14, 2018 due to Hurricane Lane. No plan has been announced for a new DIRS test. During emergencies, DIRS helps stations restore and maintain operations, with the government providing fast assistance with pre-positioned fuel, generators, transmitters and other equipment.

CROSS-SERVICE FM TRANSLATOR AUCTION 100 UPDATE

The FCC's September 20, 2018 deadline has passed for mutually exclusive cross-service FM translator applications in Auction 100 to file technical amendments or settlement agreements to resolve application conflicts. For those applicants that were not able to resolve conflicts, a highest-bidder-wins auction will be necessary to decide who receives the construction permit. In coming weeks, the FCC should issue a public notice announcing Auction 100 and the applications that remain for auction. The conclusion of Auction 100 will mark the end of the FCC's new translator filing windows in support of its ongoing AM Revitalization efforts.

FM TRANSLATOR INTERFERENCE NPRM

The FCC is still digging through nearly 100 comments and reply comments it received in its proceeding to modify how FM translator interference complaints should be processed and decided. A wide variety of organizations provided comments to the FCC.

Hundreds of new FM translators have been authorized for use by AM stations in the last two years, and many of those are now becoming operational. FM translators are secondary services, and are prohibited from causing actual

interference to pre-existing FM translators and full-power FM stations. The FCC's proceeding attempts to balance the Commission's AM revitalization efforts with the rights of pre-existing and full power FM stations.

We anticipate a decision by the FCC later this year, and are particularly interested to see how existing complaints will be processed after new rules are adopted.

PAID YOUR ANNUAL REGULATORY FEES?

September 25, 2018 was the deadline for commercial stations to file annual regulatory fees. If you forgot, the penalty is 25% of the total due, but the sooner you pay up the better as interest on the total overdue balance is running. In addition, the FCC won't process any applications you file until the amount due is paid. Remember that licensees with total regulatory fees below \$1,000 were considered *de minimis* and therefore exempted from paying fees this year. The FCC's www.fccfees.com website is still available to review total dues owed.

DATES TO REMEMBER

October 1, 2018

AM, FM, TV and Class A Stations in Florida, Puerto Rico, the U.S. Virgin Islands, Alaska, American Samoa, Guam, Hawaii, Mariana Islands, Oregon and Washington: if five full-time employee threshold is met, complete EEO public file report and post same in public file as well as post on station website.

TV & Class A Stations in Iowa and Missouri: if five full-time employee threshold is met, complete EEO public file report and post same in public file as well as on station website and prepare **and** electronically file mid-term EEO Form 397 and place copy of filed report in your public inspection file. Reminder – the Form 397 requires that the station's last two EEO public file reports be submitted to the FCC.

October 3, 2018

Rescheduled National EAS Test for all broadcasters. Time of test is 2:20 EDT. Stations must file EAS Form Two by 11:59 p.m. EDT.

October 10, 2018

TV, Class A, AM & FM Stations (commercial & noncommercial): complete 3rd Quarter 2018 issues/program reports and place in public file.

TV & Class A stations (commercial only) and any LPTV station with must-carry rights: complete and electronically file via LMS the FCC Form 398 Children's TV Programming Report for 3rd Quarter 2018, and also compile and post to the public file records relating to the station's compliance with children's programming commercial limits for 3rd Quarter 2018.

TV & Class A stations changing channels as part of the repack or based on voluntary receipt of auction funds should, unless the station has already transitioned, file a transition progress report in LMS.

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

October 17, 2018

Extended window-filing **deadline** for C-Band Earth Station Receive Only Registrations

October 23, 2018

Deadline for reply comments in Kid-Vid NPRM

October 26, 2018

Deadline for reply comments in LPTV Displacement Reimbursement NPRM

November 19, 2018

Deadline for all broadcast stations to file EAS Form 3 in ETRS as part of EAS National Test

November 30, 2018

Transition Deadline for Post-Auction Phase One TV and Class A stations to cease operations on pre-auction channels and commence operations on post-auction channels

December 1, 2018

Deadline for all digital television licensees that are providing ancillary/supplementary services to file the ancillary/supplementary services Form 317 in LMS. No filing is due for those not providing such services.

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Actual resolution of legal issues depends upon many factors, including variations of facts and applicable Federal laws. This publication is not intended to provide legal advice on specific subjects, rather, it seeks to provide insight into legal developments and issues that we feel could be useful to our clients and friends.

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