



Broadcast Newsletter

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OCTOBER 31ST EXTENDED DEADLINE TO REGISTER EARTH STATIONS

After the FCC's [IBFS filing system](#) encountered a few glitches in the days before the October 17, 2018 deadline, the FCC granted a two-week extension until October 31st for fixed satellite service earth station users in the 3.7-4.2 GHz band to either license or register their earth stations. So if you have not done so yet, today is your last day to file for a registration. The new October 31st extension was the second extension granted by the FCC. An earlier 90-day extension had already been granted. The IBFS is tough to navigate, so call a consulting engineer with IBFS experience if you need to file today.

FCC ELIMINATES PAPER FILING OF BROADCAST STATION CONTRACTS

After 80 years, the FCC on October 23, 2018 voted to eliminate the ancient requirement that broadcasters routinely file paper copies of station contracts and certain other documents with the Commission. We especially enjoyed Chairman Ajit Pai's separately issued [statement](#) frankly pointing out that there is this thing called the internet today that makes paper filing obsolete.

Instead of filing these contracts (which, by the way, include your licensee entity's governing documents), stations will make them available to the public in their online public inspection files, either in their entirety or via a list that the public can use to request a copy. We'll be sending along a note to clients about the nitty gritty details during the first part of November.

NATIONAL EAS TEST FORM 3 DUE NLT NOVEMBER 19TH

Broadcast stations participated in a National EAS Test on October 3, 2018 and, by 11:59 pm EDT that same day, were required to file EAS Form Two in ETRS to report on their participation in the test. There is yet another form – EAS Form Three – that must be filed by each station to report that the test went well or to identify any issues that prevented their participation. EAS Form Three is due no later than November 19, 2018. All forms are filed through the FCC's [ETRS web page](#).

COMMENTS SOUGHT ON CROSS-SERVICE FM TRANSLATOR AUCTION 100 PROPOSED PROCEDURES

The FCC has released an October 19, 2018 [public notice](#) seeking comment on its proposed auction procedures and [listing](#) all twenty-seven remaining mutually exclusive applications that are subject to the auction, and their proposed upfront payment amounts. The applications are part of 13 mutually exclusive groups.

Not surprisingly, the rules look a lot like the last few FM translator auctions, including the requirement that even if an applicant does not qualify to bid in the auction by failing to file a Form 175 by the required deadline, the other applicant (in a two-applicant group) must bid in the first round of the auction to receive the permit.

The actual dates for Auction 100, including important deadlines, are not proposed in the public notice but will be announced after the FCC concludes this proceeding. Given that comment deadlines for the proposed procedures are November 15th (initial comments) and November 28th (reply comments), we suspect that Auction 100 will be conducted sometime in January 2019.

LPTV DISPLACEMENT SETTLEMENT WINDOW ANNOUNCED

On October 30, 2018, the FCC [announced](#) and opened a filing window ending January 10, 2019 for remaining mutually exclusive LPTV displacement filing window applicants to file technical amendments or proposed settlements to resolve their application conflicts. Those not doing so by the deadline will proceed to a highest-bidder-wins auction sometime in 2019.

A total of 167 applications are mutually exclusive with others, and are included in a list at the end of the public notice. These are what remain from the LPTV Displacement Filing Window from earlier in 2018 that received over 2000 applications for displacement relief.

The FCC encourages applicants that remain to seek out solutions that involve moves or amendments that are compliant with the minor modification rules for LPTV stations. Significantly though, the FCC leaves open the possibility of an applicant seeking a channel change to resolve a mutually exclusive situation, which is a major change under the rules. Such a change would apparently only be available to applicants that are unable to resolve their mutual exclusivity with a minor change.

Now is the time for applicants to contact each other and work on solutions with consulting engineers. While the FCC is affording applicants a generous 71 days to file amendments or settlements, the holidays will surely impact negotiations. Start early.

LPTV DISPLACEMENT REIMBURSEMENT EXPENSE CATALOG PUBLISHED

In another move signaling that the FCC is close to deciding on the reimbursement procedures for LPTV stations displaced by the TV Auction repack, they have no invited comments on a catalog of expenses/costs that would be deemed “reasonable” and therefore eligible for reimbursement as a repack expense. The [cost catalog](#) is detailed, and bears some similarity to a catalog being used for full power and Class A television reimbursements.

Included in the catalog are potential displacement expense categories for FM radio stations that are displaced or whose operations are interrupted by the channel changes being made by TV stations. Comments must be filed by November 21, 2018, with reply comments due on December 6, 2018.

DATES TO REMEMBER

October 31, 2018

Extended deadline to file C-Band dish registrations on FCC Form 312 in IBFS

November 15, 2018

Deadline for comments on the Cross-Service FM Translator Auction 100 Procedures

November 19, 2018

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

November 21, 2018

Deadline for comments in LPTV Displacement Reimbursement Cost Catalog proceeding

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

AM, FM, TV and Class A Stations in Alabama, Georgia, Minnesota, North Dakota, South Dakota, Montana, and Colorado: 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 Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont: 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.

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.

Testing Period Start Date for all repacked television stations assigned to Post-Auction Repack Phase 2 (phase ends on April 12, 2019)

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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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