



Broadcast Newsletter

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FCC KICKS OFF RADIO LICENSE RENEWALS WITH TWO PUBLIC NOTICES

In two separate public notices issued April 15, 2019, the FCC announced revised procedures for all broadcast stations. In the [first notice](#), it officially announced that the license renewal form was being migrated to the License Management System, along with the EEO Program Report. The new electronic forms will be available for the first time on May 1, 2019 (though we heard something today that sounded more like May 3, 2019, so the date may be sliding). Applicants will have to log in with their FCC Registration Number (FRN).

In the [second notice](#), the FCC gives step-by-step instructions about the forms in LMS, and includes a [link](#) to the new March 2019 form instructions so that applicants can review the FCC's guidance for each question. We're told that guidance will also be available in pop up boxes while stations are completing the form. One drawback that we've noted is that instead of providing a text box to provide exhibits when necessary, applicants will have to upload an exhibit to include any explanations to renewal questions.

The FCC is apparently in the process of migrating many other radio forms to LMS and will announce these in coming months.

MAY 28 DEADLINE SET FOR C-BAND CERTIFICATIONS

According to an April 11, 2019 [public notice](#), Fixed-Satellite Service earth station operations in the 3.7-4.2 GHz band that are licensed or registered (authorized) in the International Bureau Filing System (IBFS), including temporary-fixed or transportable earth stations, must certify the accuracy of all information reflected on their licenses or registrations in IBFS.

Operators that recently filed new or modified licenses or registrations between April 19, 2018 and October 31, 2018 are exempt from this certification requirement.

The required certification must include the relevant call sign(s), file numbers, applicant or registrant name, and a signed statement for fixed-satellite facilities. Mobile operators must supply additional information. Certifications must be submitted electronically in IBFS using the Pleadings and Comments link. The specified pleading type should be “C-Band Certification” for fixed facilities, and “Other” for mobile facilities.

NEW FM TRANSLATOR INTERFERENCE RULES NEAR ADOPTION

The FCC has released a [draft order](#) for consideration at its May 9, 2019 meeting that will modify how it considers and processes FM translator interference complaints. While we anticipate a few tweaks to the order before it is adopted, the central proposals will likely remain.

The draft proposes to (i) allow FM translator stations to change frequency to any available same-band channel as a minor change in response to interference issues, (ii) establish a minimum number of listener complaints, proportionate to the population the complaining station serves, that a station would need to submit with any claim of interference, (iii) standardize and codify the required contents of each listener complaint as well as additional information that a complaining station must submit with the minimum number of listener complaints, (iv) establish interference resolution procedures that reduce the involvement of complaining listeners with remediation efforts; (v) implement an alternative process for demonstrating that interference has been resolved using technical methods mutually agreed upon by the complaining station and translator station; (vi) establish an outer 45 dBu contour limit for the complaining station within which interference complaints will be considered actionable; and (vii) establish a minimum number of additional listener complaints that must be included in any waiver seeking to establish a claim of interference outside the complaining station’s 45 dBu contour.

If adopted at the May 9th meeting, the FCC’s new rules won’t immediately take effect. Rule changes require Federal Register publication first, with effectiveness following 60 days later. The FCC’s

draft order notes that applications or complaints that have not been acted upon as of the *effective date* of the new rules will be decided based on the new rules.

FCC RELEASES INCUBATOR PROGRAM COMPLIANCE GUIDE

The FCC has now released a [compliance guide](#) for its Incubator Program adopted in 2018.

The program is designed to enable an established broadcaster (i.e., the incubating entity) to provide a small, aspiring or struggling station owner (i.e., the incubated entity) with the training, financing, and access to resources that would be otherwise unavailable to the incubated entity. The requirements for the program are quite detailed, and include certain restrictions on incubated station operations during the incubation period.

If an established broadcaster successfully incubates a small, aspiring or struggling broadcaster as part of the incubator program, it will be eligible to receive a waiver of the Local Radio Ownership Rule following the successful conclusion of the incubation relationship. The waiver must be used in the same market as the incubated station or a comparable market as discussed in the Order.

FM TRANSLATOR AUCTION 100 FINALLY SCHEDULED

For twenty-five FM translator Auction 100 applicants that remain mutually exclusive (here’s the [list](#)), the FCC has finally announced the dates of its auction to determine who receives a construction permit. This is the last of the AM cross-service FM translator windows designed to revitalize the AM service.

As detailed in the [Auction 100 Procedures Notice](#), applicants who wish to bid must make upfront auction payments no later than 6:00 p.m. ET on May 23, 2019. A Bidding Tutorial will be available online June 7, 2019, with a mock auction scheduled for June 21. The actual auction will get underway on June 25, 2019.

TV AUCTION NON-WINNING BID INFORMATION NOW AVAILABLE

As required, the FCC has opened its databases to reveal all non-winning bid information for TV stations that participated, but ultimately were not selected, during the 2017 reverse auction to repurpose certain TV spectrum. Stations curious to understand the intricacies of who bid what during each round of the auction can dig into the details [here](#).

BROADCAST REGULATORY FEES NPRM

The FCC has initiated its [proposed rulemaking](#) to set the annual broadcast regulatory fees that will be due by stations in September. If you'd like an early peek at what the proposed fees are for your station, take a look at Appendix G.

DATES TO REMEMBER

May 1, 2019

Radio Stations in Washington D.C, Maryland, Virginia and West Virginia: broadcast third pre-filing renewal announcement.

May 16, 2019

Radio Stations in Washington D.C, Maryland, Virginia and West Virginia: broadcast fourth pre-filing renewal announcement.

May 23, 2019

FM Translator Auction 100 Upfront Payments Due by 6:00 p.m. ET

May 28, 2019

C-Band authorization holders that were not registered in the recent window must file certifications of their registrations and current information.

June 1, 2019

AM, FM, TV and Class A Stations in Arizona, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia, Wyoming and the District of Columbia: 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. Under FCC EEO rules, a full-time employee is one that works 30 hours per week, on average.

AM and FM Stations in North Carolina and South Carolina begin airing pre-filing license renewal announcements. Additional announcements are due June 16, July 1, and July 16.

June 3, 2019

Radio Stations in Washington D.C, Maryland, Virginia and West Virginia: file Form 2100, Schedule 303-S License Renewal Application and Schedule 396 EEO Report, and broadcast first post-filing renewal announcement. Additional post-filing announcements are required on June 16, July 1, July 16, August 1 and August 16.

June 21, 2019

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

June 22, 2019

First day of post-auction new channel testing period for Phase Four TV and Class A stations.

June 25, 2019

FM Translator Auction 100 Auction Begins

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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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