



Broadcast Newsletter

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NATIONAL EAS TEST SCHEDULED FOR AUGUST 7TH

FEMA has announced that the 2019 National Periodic Test (NPT) will be issued Wednesday, August 7, 2019 at 2:20 PM EDT. The alternate date is Wednesday, August 21, 2019. All broadcast stations are required to participate and file required reports.

We expect the FCC to issue a public notice about the test soon, setting the applicable deadlines for the EAS Forms 1, 2 and 3. EAS Form 1 is usually due to be filed or updated about two weeks prior to the test. EAS Form 2 is due by midnight on the day of the test. EAS Form 3 is usually required about two weeks after the test.

This year's test comes with one big wrinkle – it will not be fed via the IPAWS network as in past years. Instead, the test will be received via state assigned Primary Entry Point (PEP) stations and relayed by the LP-1 and LP-2 broadcast stations applicable to a station. For this reason, we recommend that stations verify (now) the two required monitor sources assigned by the station's State Emergency Communications Committee (SECC). Check not only for the correct source but the quality of the audio. If a station is not able to receive clearly the assigned sources or have not been receiving the Required Weekly Test (RWT) from both sources, a station should contact its SECC for an alternate source now.

FCC CLARIFIES LICENSE RENEWAL PUBLIC NOTICE PROCESS

The FCC's switch to the License Management System (LMS) for renewal applications this cycle has apparently stymied the software writers that cause applications to appear on public notice. Instead of renewal application filings appearing on the regular, daily "Broadcast Actions" and "Broadcast Applications" public notices, the FCC plans to issue a separate set of notices for renewal applications titled, simply, "Actions" or "Applications."

The FCC's [public notice](#) announcing this change points out that the new notices for applications filed in May 2019 will appear the first week of June, and that this will not affect the deadline to file petitions to deny or informal objections. Under FCC rules, such petitions must be filed no later than 30 days before expiration of the current license, and informal objections prior to the grant of the renewal application.

NEW FM TRANSLATOR INTERFERENCE RULES ADOPTED

At its May 9, 2019 meeting, the FCC adopted new rules for how it considers and processes FM translator interference complaints.

On balance, the new rules place limits and additional requirements on full power radio stations before an FM translator must cease operation. The new rules establish an outer 45 dBu contour limit for the complaining station within which interference complaints will be considered actionable, and although a claim of interference can be made beyond that contour, it must be done via a waiver request with at least 20 additional listener complaints. Within the 45 dBu contour, the rules establish a minimum number of listener complaints, proportionate to the population the complaining station serves, that a station would need to substantiate any claim of interference. Listener complaints must conform to a particular format and contain additional, specific information about the interference received. Full power stations must also attempt to resolve the interference issue with the FM translator and submit a certification to that effect with any FCC-filed complaint.

The new rules do allow FM translator stations to change frequency to any available same-band channel as a minor change in response to interference issues.

The key components of the new rules are not yet in effect. Federal Register publication must occur, with effectiveness following 60 days later accompanied by an FCC public notice making an effectiveness announcement. 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 PROPOSES 20% INCREASE IN BROADCAST REGULATORY FEES

Time is running out for broadcasters to file comments in the FCC's [proposed rulemaking](#) to set the annual broadcast regulatory fees due by stations in September. The FCC's proposal includes about a 20% increase in fees but does not provide reasons for the need or amount of the increase. You can voice your opinion on the fee increase by filing comments, but must do so by June 7, 2019. The FCC won't issue an order finally setting the fees until late August or early September, so to be on the safe side, stations may want to include a 20% increase in their regulatory fee budget.

FCC NOW ACCEPTING ATSC 3.0 TV APPLICATIONS

In 2017, the FCC adopted new rules allowing permissive use of the new ATSC 3.0 standard for television station transmissions, but delayed the formal application process to obtain ATSC 3.0 license until new forms could be developed. Those forms are now available, and the FCC has issued a [public notice](#) describing the application process that is necessary to modify existing licenses to reflect ATSC 3.0 authority.

Stations converting to ATSC 3.0 are obligated to continue ATSC 1.0 transmissions via a simulcast station in the market, and the new applications require that information, submission of a written simulcast agreement, and certification of coverage requirements. Viewer and MVPD notices are also required.

LPTV station K28GG-D has already filed for and been granted an ATSC 3.0 license. The application and associated authorization can be viewed [here](#).

DATES TO REMEMBER

June 1, 2019

Radio Stations in North Carolina and South Carolina: broadcast first pre-filing license renewal announcements; additional pre-filing announcements should air June 16, July 1, and July 16.

Radio Stations in Washington D.C, Maryland, Virginia and West Virginia: broadcast first post-filing renewal announcement; additional post-filing announcements should air June 16, July 1, July 16, August 1 and August 16. If a station waits to file the renewal application on June 3, the first announcement should be aired June 3.

June 3, 2019

Radio Stations in Washington D.C., Maryland, Virginia and West Virginia: file license renewal applications and Schedule 396 Broadcast EEO Program Report.

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.

June 7, 2019

Deadline for filing comments about the proposed 20% increase in broadcaster regulatory fees.

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 begins.

July 10, 2019

TV, Class A, AM & FM Stations (commercial & noncommercial): complete 2nd Quarter 2019 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 2nd Quarter 2019, and also compile and post to the public file records relating to the station's compliance with children's programming commercial limits for 2nd Quarter 2019.

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

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

August 1, 2019

Radio Stations located in Florida, Puerto Rico, and the Virgin Islands: broadcast first pre-filing license renewal announcement; additional pre-filing announcements should air August 16, Sept 1, and Sept 16.

Radio Stations in North Carolina and South Carolina – file license renewal application and schedule 396 Broadcast EEO Program Report, and air first post-filing license renewal announcement; additional post-filing announcements must air August 16, Sept 1, Sept 16, Oct 1 and Oct 16.

August 7, 2019

All broadcast stations must participate in the National EAS test at 2:20pm. EDT and file EAS Form 2 by midnight.

August 23, 2019

Radio Stations in Washington D.C, Maryland, Virginia and West Virginia: complete and place license renewal announcement certification of compliance in online public file.

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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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