



Broadcast Newsletter

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JULY 3RD DEADLINE FOR ETRS FORM ONE - NATIONAL EAS TEST

The FCC’s Public Safety and Homeland Security Bureau has issued a [public notice](#) advising of the planned 2019 National EAS Test and associated deadlines. As in previous years, the National EAS Test will require every station to make three filings in the EAS Test Report System (ETRS).

First, all EAS participants are required to update their identifying information in ETRS Form One no later than July 3, 2019. A separate copy of ETRS Form One must be filed for each EAS decoder, EAS encoder and units combining decoder/encoder functions. ETRS is already available for EAS Participants to make these filings – [this link](#) is the ETRS login page. FCC CORES Usernames will be required to access the ETRS forms. Filers can complete the annual requirement by updating previously filed Form Ones in ETRS – simply click on the “My Filings” menu option and then click on the record for that form.

The EAS National Test is scheduled for August 7, 2019 at 2 p.m. EDT. All EAS participants are required to participate in the test. Unlike in previous tests, the IPAWS system will be utilized – only the broadcast distribution “daisy chain” will be used. So stations should update and be sure their systems are properly programmed to receive the EAS test message from their LP-1 and LP-2 sources. By 11:59 p.m. EDT on August 7, stations must file ETRS Form Two reporting test receipt and distribution times, as well as the source of the received test message.

Finally, all EAS participants must file ETRS Form Three no later than September 23, 2019 to report any issues or problems experienced with the national test. The FCC will host a [free EAS webinar](#) for low power broadcasters on July 11, 2019 from 1:00 – 1:45 p.m. EDT.

FCC TO VOTE JULY 10TH ON RELAXING CHILDREN'S TELEVISION RULES

At its July 10, 2019 meeting, the FCC will vote on adopting a proposed Report & Order making significant changes to the existing children's television requirements for television stations.

Perhaps the most significant change in the draft order is to eliminate the requirement that stations include 3 hours of CORE children's programming on each 24-hour multicast channel broadcast by the station. Stations will only need the programming on the main channel, not on digital sub-channels. The current 3 hours is an "average weekly" requirement, but if the order is adopted as proposed that will change to quarterly/annual amount that equals 156 annual hours.

Also, instead of having to file the Form 398 Children's Television Report every quarter, stations would only have to do so once a year (by January 30th of the following year). The now quarterly public file certification of compliance with limits on ads in children's advertising would also change to an annual requirement (by January 30th of the following year).

Although the order will likely be adopted on July 10th, the effective date of the rules will take some time and be accompanied by a public notice providing guidance to stations. So don't decide to skip your 2nd quarter 2019 Form 398 and children's commercial limits certifications that must be filed by July 10, 2019.

FCC LAUNCHES EEO RULES REVIEW

On June 21, 2019, the FCC [announced a review](#) of its EEO rules seeking comment on how it can make improvements to EEO compliance and enforcement. The effort aims to respond to issues raised in the FCC's recent proceeding to eliminate the Form 397 EEO Mid-Term Report.

One of the issues to be explored is whether FCC auditors have enough information to verify that hiring decisions are being made only after job postings are made, not before-hand. In addition, the issue of whether audits are allowed to uncover

discrimination at all points of the hiring process, from recruitment to interviewing and selection. The initial comment deadline for this proceeding will probably be mid-to-late-August.

MODIFICATION TO TV MUST-CARRY ELECTION PROCEDURES EXPECTED

At its July 10 Open Meeting, the FCC will consider a draft Report & Order to modify how television stations elect between retransmission consent and mandatory carriage on cable and DBS systems every three years.

If adopted as drafted, instead of notifying systems of their election via certified mail, stations would upload their elections to their public files every three years and notify cable/DBS systems via e-mail only if they decided to change their election from the previous cycle. As part of the process, stations and cable/DBS systems would be required to maintain a designated carriage election phone number and e-mail address on the main page of their online public file, and cable/DBS systems would have to verify receipt of carriage e-mails they receive from stations. Any election e-mailed to cable/DBS providers would be carbon copied to a dedicated FCC email address.

The FCC anticipates that the new system will be used for the 2021-2023 carriage election cycle, with July 31, 2020 being the deadline for broadcasters and cable/DBS systems to provide their carriage phone/e-mail information. The carriage election deadline would remain the same, October 1, 2020.

DISPLACED LPTV REIMBURSEMENT INITIAL DEADLINE NOT YET ANNOUNCED

Back in March, the FCC adopted a [Report & Order](#) on the eligibility and process for displaced LPTV and TV translator stations to receive reimbursement for costs reasonably incurred in the construction of their new facilities. According to that Order, the process for these stations will begin with an announcement of a deadline for submission of initial cost estimates. As of this writing, that deadline has not yet been announced. Some stations are already incurring expenses due to

existing displacement situations. Documentation should be carefully maintained to support the reimbursement process.

Displaced stations must meet certain criteria to be eligible for reimbursement. They must have filed an application within the 2018 Special Displacement Filing Window, received a construction permit arising from a grant of that application, and been licensed and transmitting for at least nine of the 12 months prior to April 13, 2017.

Stations will have to certify that they meet the eligibility criteria, including providing supporting documentation to prove operation during the required pre-April 2017 period, which could, by way of example, include evidence of programming aired by the station during the relevant period such as program guides or electric power bills. **Now is a good time to locate such documentation.** Stations will also have to list their existing equipment and estimated replacement costs.

Stations that have already purchased equipment will be able to submit those invoice amounts instead of estimates. After submitting these forms, the FCC will review all estimates and make a decision on what percentage of expenses will be allocated (i.e., it is possible that there will not be enough in the reimbursement fund to reimburse all displacement costs). From there, the FCC will allocate funds in tranches to stations for their drawdown and use. Stations will have to file Form 1876 to create a reimbursement account, specifying the bank account that will receive reimbursement funds.

DATES TO REMEMBER

July 3, 2019

All Broadcast Stations (except TV and FM translators): Deadline to file ETRS Form One for the upcoming August 2, 2019 EAS National Test

TV, Class A, AM & FM Stations (commercial & noncommercial): complete 2nd Quarter 2019 issues/program reports and place in public file.

July 10, 2019

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, or is in Phase 5 and exempt from this report).

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 (except TV and FM translators) 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.

September 23, 2019

All Broadcast Stations (except TV and FM translators): Deadline to file ETRS Form Three reporting status of participation in EAS National Test conducted August 7.

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