



# Broadcast Newsletter

## ***IN THIS ISSUE:***

**NATIONAL EAS TEST REMINDER ..... 1**

**LICENSE RENEWAL ODDS & ENDS ..... 1**

**CHILDREN’S TELEVISION RULE  
CHANGES ADOPTED ..... 2**

**EEO RULES REVIEW COMMENTS  
DUE AUGUST 21ST ..... 2**

**MODIFICATION TO TV MUST-CARRY  
ELECTION PROCEDURES ADOPTED ..... 2**

**LPFM RULEMAKING LAUNCHED ..... 3**

**DATES TO REMEMBER..... 3-4**

## **NATIONAL EAS TEST REMINDER**

The 2019 EAS National Test is scheduled for August 7, 2019 at 2 p.m. EDT. All broadcast stations (except for TV translators and FM translators) are required to have EAS equipment and participate in the national test. Unlike in previous tests, the IPAWS system will not be used to distribute emergency messages. Instead, only the broadcast distribution “daisy chain” will be used. Stations should therefore 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.

No later than September 23, 2019, all EAS participants must file ETRS Form Three to report any issues or problems experienced with the national test.

In connection with the upcoming test, many licensees recently received emails from the FCC alerting system that appeared suspicious, and were later replaced with a more formal email that apologized for the first one. If anything looks odd to you as this test is conducted, we encourage you to contact the FCC at [alerting@fcc.gov](mailto:alerting@fcc.gov).

## **LICENSE RENEWAL ODDS AND ENDS**

With radio station license renewals underway, we’ve noticed a few things that are worth passing along. The FCC is sending blanket reminders of license renewal application filing deadlines to individuals whose email addresses have previously been listed as an email contact for a station in FCC filings. While these email reminders state the deadlines for filing a renewal application and for license expiration, they are a courtesy only. Interestingly, they end with this statement – “If you do not wish to renew the license for the station, you do not need to file an application, but we would appreciate confirmation that you intend to let the station’s license expire as of [insert license expiration date].”

While we know the license renewal process can be a bit laborious, it strikes us as a bit fanciful and funny that a station getting this email reminder would look at the FCC's invitation and decide "yeah, let's just mail it in, we're done." Maybe the FCC could have a renewal anxiety hotline to talk licensees out of just giving up. Chuckle.

## CHILDREN'S TELEVISION RULE CHANGES ADOPTED

At its July 10, 2019 meeting, the FCC adopted an [order](#) changing its children's television rules. We encourage you to review the order at the link provided, and in particular the language of the new rule at pages 51-53.

When the revised rules become effective, full power and Class A television stations will no longer have to air three hours per week of children's educational and informational programming on each multicast channel, and the Form 398 Children's TV Report will be filed once annually, by January 30<sup>th</sup> of the succeeding year, instead of every quarter by the 10<sup>th</sup> day after each quarter. The same annual schedule will apply to a station's requirement to certify compliance with the children's television commercial limits.

The new rules will give stations two options to satisfy television children's core programming obligations, as follows:

- 1) Broadcast an average of 3 hours/week of children's core programming, all of which must be regularly scheduled weekly programming, **OR**
- 2) Broadcast a total of 156 hours of core programming annually, with a minimum of 26 hours per quarter of regularly scheduled weekly programming **plus** up to 52 hours annually of core programs at least 30 minutes long that are not regularly scheduled on a weekly basis. The 52-hour portion could also be deemed satisfied with some shorter-form programming and interstitials that are not 30 minutes long.

Regardless of which of the two approaches a station chooses to use, stations that multicast will

be permitted to air up to 13 hours per quarter of regularly scheduled weekly core programming on a multicast stream in lieu of the main channel, and still count it toward the total core programming aired under either of the options above.

If the rules go into effect before the end of 2019, the FCC plans to allow stations to choose to switch to the annual processing guidelines for the remainder of 2019, and will evaluate compliance with the rule on a pro-rated basis for the portions of 2019 applicable to the old and new guidelines. The Media Bureau will issue a future public notice announcing the effective dates of the new rules and implementation options. Stations should become familiar with the new rules now, as they will impact program scheduling once effective.

## EEO RULES REVIEW COMMENTS DUE AUGUST 21<sup>ST</sup>

The deadline for filing comments in the FCC's [announced review](#) of its EEO rules is August 21, 2019. The FCC wants input on how it can make improvements to EEO compliance and enforcement, specifically about effectiveness of the auditing process.

## MODIFICATION TO TV MUST-CARRY ELECTION PROCEDURES ADOPTED

At its July 10 Open Meeting, the FCC adopted a [Report & Order](#) modifying how television stations elect between retransmission consent and mandatory carriage on cable and DBS systems every three years, beginning with the 2021-2023 carriage election cycle.

Instead of notifying systems of their election via certified mail, stations will now 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 will 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. Elections emailed to cable/DBS providers will be 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/email information. The carriage election deadline will remain the same, October 1, 2020.

## LPFM RULEMAKING LAUNCHED

The FCC has adopted a [notice of proposed rulemaking](#) seeking comment on proposed changes to its rules governing the low power FM service. One of the intriguing items raised in the rulemaking is a proposal to eliminate protections for TV stations operating on channel 6, whose spectrum is adjacent to the non-commercial band. The FCC indicates that television's transition to digital has largely eliminated interference from noncom radio stations to TV channel 6 reception.

Other proposed changes would allow greater flexibility for LPFM station moves, proposes to allow LPFM cross-ownership and use of FM boosters, and declines to eliminate EAS requirements for LPFM stations.

Comments will be due within 30 days of publication of the NPRM in the Federal Register.

## DATES TO REMEMBER

### August 1, 2019

**Radio and TV Stations located in California, Illinois, North Carolina, South Carolina and Wisconsin:** if five (5) full time employee threshold is met, prepare EEO public file report and post it to the station online public inspection file and the station website.

**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 2, 2019

End of Post TV Auction Transition Phase 4; all TV and Class A stations assigned to Phase 4 must cease broadcasting on pre-auction channels and begin broadcasting on post-auction channels.

### August 3, 2019

Beginning of Post TV Auction Transition Phase 5 and start of Phase 5 testing period.

### 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 6, 2019

End of Post TV Auction Transition Phase 5; all TV and Class A stations assigned to Phase 5 must cease broadcasting on pre-auction channels and begin broadcasting on post-auction channels.

### September 7, 2019

Beginning of Post TV Auction Transition Phase 6 and start of Phase 6 testing period.

### 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.

### October 1, 2019

**Radio Stations in Florida, Puerto Rico & the Virgin Islands** – 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 Oct 16, Nov 1, Nov 16, Dec 1 and Dec 16.

**Radio Stations located in Alabama and Georgia:** broadcast first pre-filing license renewal announcement; additional pre-filing announcements should air Oct 16, Nov 1, and Nov 16.

**Radio and TV Stations located in Florida, Puerto Rico, Virgin Islands, Iowa, Missouri, Alaska, American Samoa, Guam, Hawaii, Marianas Islands, Oregon & Washington:** if five (5) full time employee threshold is met, prepare EEO public file report and post it to the station online public inspection file and on the station website.

**ALL COMMERCIAL AND NONCOMMERCIAL RADIO, TV, CLASS A, LPTV STATIONS:** FIRST DAY TO FILE 2019 BIENNIAL OWNERSHIP REPORT OR CERTIFICATION OF NO CHANGE IN LMS FILING SYSTEM.

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