



Broadcast Newsletter

IN THIS ISSUE:

**CHAUTIN RECOGNIZED AS TOP
BROADCAST ATTORNEY.....1**

**WINDOW SHIFT FOR OWNERSHIP REPORT
FILING.....1**

LICENSE RENEWAL INSIGHTS.....1

**CERTAIN FORMS TRANSITIONED
TO LMS2**

REGULATORY FEE REPRIEVE.....2

**3Q CHILDREN’S TV REPORT – MEDIA
BUREAU ISSUES GUIDANCE2**

**LPTV DISPLACEMENT REIMBURSEMENT
DEADLINE--OCTOBER 15TH3**

DATES TO REMEMBER.....3

CHAUTIN RECOGNIZED AS TOP BROADCAST ATTORNEY

We are pleased to announce that HCCB Managing Partner Joe Chautin has been selected as one of the top 10 broadcast attorneys in the nation by the readers of Radio/TV Business Report.

FCC SHIFTS OWNERSHIP REPORT FILING WINDOW

By [Order](#) issued September 17, 2019, the FCC shifted the biennial ownership report filing window from October 1 – December 1, 2019 to November 1, 2019 – January 31, 2020. The reason for the shift is so the Media Bureau can make software changes to the ownership report filing forms to enable stations to certify that there are no changes since the last biennial report filed in late- 2017/early-2018.

In addition to shifting the report filing window, the window itself is longer – 92 days – so stations will have more time to prepare and file the reports. All licensees of commercial and noncommercial AM, FM, TV, Class A and LPTV stations, as well as entities with attributable interests in such stations, are required to file ownership reports in the window. Despite the shifting of the filing window, all information reported by licensees must reflect ownership interests as they existed on October 1, 2019.

LICENSE RENEWAL INSIGHTS

As promised, we’ll be periodically letting you know about license renewal issues or helpful hints in our newsletter. This month, there are two developments to note.

First, the FCC issued a public notice on September 23, 2019 announcing seven radio stations whose licenses will expire October 1st because they did not file a renewal application. These stations were in the first group of states required to file renewal applications. Three of the stations are in the AM band; the other four are low power FM stations. We don’t recall the FCC being this prompt on issuing license expiration notices in the past, but we do expect to see this type of notice every few months as the

license renewal process moves along. To avoid appearing on these notices, know your renewal application deadline, and file on time.

Second, the FCC issued a blistering order that included a \$15,000 fine and a short, 2-year renewal penalty for an AM station that failed to place its issues/programs lists in the station online public inspection file. The [decision](#) is worth reading. It certainly didn't help that the station was a repeat offender. But the FCC was unconvinced by an explanation that the sole principal of the licensee was 92 years old and not computer literate. This is the first indication we have of how serious the FCC is going to be about the online public file during this renewal cycle. Stations should ensure that all reports are uploaded on time and have someone double check to confirm.

CERTAIN BROADCAST FORMS TRANSITIONED TO LMS

As of September 25, 2019, the FCC's Media Bureau [transitioned](#) seven broadcast station application forms from CDBS to the new License Management System (LMS), which requires login using a station's FRN and password.

Forms 301, 302, 318, 319, 340, 349 and 350 are now only available for filing in LMS, and are identified as "schedules" to the main application form. When selected, the form contains several screens for completion, each requiring a green "check mark" before filing is possible. Selecting the "submit" button at the end results in automatic submission, and if any fee is due, options are available for selection after the form is submitted.

In coming months, additional forms will be transitioned to LMS until it is the sole filing system used by broadcast licensees.

REGULATORY FEE REPRIEVE OF SORTS

By now, all broadcasters with a regulatory fee obligation should have paid their 2019 regulatory fees. If you didn't pay yours by the original September 24, 2019 deadline, and believed you were going to have to pay the 25% penalty, the FCC gave you a reprieve, of sorts, when it extended the payment deadline to September 27th.

The FCC never said why it extended the deadline, but we suspect it was because its systems were either slow or temporarily unavailable. As a result, only those broadcasters who failed to pay by September 27 will have to pay the 25% penalty on top of the fee.

MEDIA BUREAU ISSUES GUIDANCE ON 3Q CHILDREN'S TV REPORT

The Media Bureau released a [public notice](#) on September 3, 2019 announcing the effectiveness of certain portions of the new children's television rules and providing guidance on how commercial stations should complete the 3rd quarter 2019 Children's Television Report.

As detailed in the notice, the 3rd Quarter 2019 children's television report, which is due no later than October 10, 2019, will cover the period from July 1, 2019 – September 15, 2019. Compliance for this period will be determined on a pro-rata basis, meaning that stations should calculate their weekly average over that period based on 11 weeks (not 12) to obtain the total hours of core programming aired. The only other exception to compliance for this period is that stations will not have to provide information concerning the children's programming they plan to air in the 4th quarter (since that requirement will end on 9/16). That part of the form can be left blank. If your station was multicasting during the period above, compliance will be determined using the 3-hour weekly average for each 24/7 channel, and should be reported that way.

Under the *new* rules, commercial stations will file one annual report instead of quarterly reports. The first "annual" children's TV report will cover the period from September 16, 2019 – December 31, 2019, and be due no later than January 30, 2020. Except for some parts of the new rules that will become effective on OMB approval, the new rules will be in effect for this report, and stations should follow those revised rules during this period. The notice provides specific guidance on how stations will be deemed to satisfy the processing guidelines during this period.

The children's television report will still be accessed and filed in LMS.

LPTV DISPLACEMENT REIMBURSEMENT OCTOBER 15TH DEADLINE

LPTV and TV translator stations that were displaced by the post-auction repack have until October 15, 2019 to make two filings in order to receive funds. First, a Form 399 Eligibility Certification must be completed and filed, with documentation uploaded to prove eligibility. Second, a separate Form 399 Estimate/Request for Reimbursement must also be filed by that deadline. The FCC will then confirm eligibility and arrive at an allocation for each station.

Details are at this [link](#).

DATES TO REMEMBER

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.

October 10, 2019

TV, Class A, AM & FM Stations (commercial & noncommercial): complete 3rd 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 3rd 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 3rd Quarter 2019. **Note: The 3Q Form 398 will cover the period from July 1, 2019 – September 15, 2019, so adjust your calculations accordingly. The next Form 398 report will be due January 30, 2020, and will cover the period from September 15, 2019 – December 31, 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.

October 15, 2019

Deadline for all eligible LPTV and TV translator stations displaced by the post-television auction repack to electronically file Form 399 Eligibility Certification and separate Form 399 Estimate of Costs for displacement channel buildout.

November 1, 2019

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.

December 1, 2019

Radio Stations located in Arkansas, Louisiana and Mississippi: broadcast first pre-filing license renewal announcement; additional pre-filing announcements should air Dec 16, 2019, Jan 1, and Jan 16, 2020.

Radio and TV Stations located in Alabama, Georgia, Colorado, Minnesota, Montana, N. Dakota, S. Dakota, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont: 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.

December 2, 2019

Radio Stations in Alabama & Georgia – 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 Dec 16, 2019, and Jan 1, Jan 16, Feb 1 and Feb 16, 2020.

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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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