



Broadcast Newsletter

IN THIS ISSUE:

HCCB AT NRB 2021	1
C-BAND CLEARINGHOUSE BEGINS LUMP-SUM REIMBURSEMENT PROCESS.....	1
AUCTION 109 UPFRONT PAYMENTS DUE SOON	2
NEW RF EXPOSURE RULES NOW IN EFFECT	2
FCC DISASTER REPORTING EXERCISE JUNE 1-2.....	3
DATES TO REMEMBER.....	3

HCCB AT NRB 2021

Our firm's managing partner, Joe Chautin, will be attending the National Religious Broadcasters convention in Grapevine, Texas from June 21-24. He will be a co-presenter at an FCC session on Tuesday, June 22nd at 3:00 p.m. If you would like to meet with Joe while attending, please reach out to him at jchautin@hardycarey.com to set up a time.

C-BAND CLEARINGHOUSE BEGINS LUMP-SUM REIMBURSEMENT PROCESS

The long-awaited process for qualified C-Band registrants to receive lump-sum reimbursements has begun. If your company timely filed with the FCC for lump-sum reimbursement for costs associated with relocating operations out of the C-Band, it may have recently received an email from Relocation Payment Clearinghouse LLC (RPC), which administers the cost-related aspects of the C-Band transition mandated by the FCC. These emails were designed to obtain a primary point of contact responsible for submitting claims on behalf of the C-Band registrant.

The RPC's system for submitting and processing claims associated with the C-Band relocation program is called COUPA. Claimants will establish a profile, submit claims, track the status of the claim, and communicate with RPC through COUPA. Recent emails sent by RPC sought to establish contact through the info@CbandRPC.com email address. Potential claimants looking to establish contact with RPC or understand the reimbursement procedures should reach out and visit www.cbandrpc.com/resources where a handbook on the process is available review.

If you have questions about the claim process or have not had contact from the RPC about establishing a point of contact for the lump-sum reimbursement process, please let us know.

The FCC's Auction 109 is proceeding according to the deadlines and procedures announced in the auction

AUCTION 109 UPFRONT PAYMENTS DUE SOON

[Public Notice](#). While the auction itself does not begin until July 27, 2021, certain deadlines are upcoming for those that timely filed a Form 175 short-form application.

The FCC should shortly issue a public notice announcing which short-form applications are accepted and which require amendments to become valid. Following that, upfront payments for those applicants whom the FCC determines are qualified to participate are due no later than June 16, 2021 at 6:00 p.m. ET.

NEW RF EXPOSURE RULES NOW IN EFFECT

The FCC's Office of Engineering and Technology recently [announced](#) May 3, 2021 as the effective date for certain RF exposure rules changes originally adopted back in December 2019, as well as the beginning of the two-year review period for existing parties to ensure compliance with the new rules.

The 2019 rule revision changed the methods parties are to use in determining and achieving compliance with the FCC's limits on human exposure to RF electromagnetic fields. Specifically, the FCC modified the process for determining whether a particular device or deployment is exempt (i.e., so clearly compliant that the licensee need not undertake a more thorough RF exposure analysis). The previous compliance method was driven by a service specific list of transmitters, facilities and operations for which evaluation was required. Now, new streamlined formula-based criteria are to be used to determine compliance, regardless of service.

While OET anticipated that very few parties would have to conduct re-evaluations under the new rules, it adopted a 2-year period for parties to verify and ensure compliance under the new rules. Stations and tower owners should consult their qualified consulting engineers to ensure compliance under the new rules.

As of May 3, 2021, all new facilities and operations (e.g., broadcast facilities, wireless base stations) will be subject to compliance with the new rules. "New facilities" means facilities authorized on a site-specific basis on or after the effective date of the new rules or, for facilities deployed and operating under existing license authorization or rule part, facilities whose construction and operation is completed on or after that date. A facility will still be "new" for these purposes even if it is located on an existing, registered antenna structure. In addition, any facility or operation that is modified in a way that could affect RF exposure on or after May 3, 2021 also must comply with the new rules no later than the time at which it is modified.

All other licensees and operators of existing facilities and operations will have two years from May 3, 2021 to ensure that they are in compliance with the new rules. This includes parties whose licenses are renewed during the two-year period and those who make modifications that would not affect RF exposure (such as administrative updates). These parties will have to determine whether any of their existing facilities and operations that were previously excluded under the old rules qualify for an exemption under the new rules. If they do not qualify for an exemption, they must perform an evaluation. Facilities and operations that require mitigation must come into compliance with the new, detailed requirements for signage, access control, etc. While these parties may rely upon their compliance with the rules as they existed prior to the RF Report and Order during the two-year period, they must comply with the new rules no later than May 3, 2023 – i.e., the end of the two-year period. There are no additional filing requirements for these parties other than those associated with their regularly scheduled renewals and any modifications they may undertake.

During license renewal, stations must certify to RF compliance in the renewal application. We encourage stations that have not yet filed for license renewal to contact their consulting engineer to confirm compliance well in advance of the renewal application filing deadline.

FCC DISASTER REPORTING EXERCISE JUNE 1-2

In preparation for the 2021 hurricane season, the FCC's Public Safety and Homeland Security Bureau is conducting its yearly Disaster Information Reporting System (DIRS) on June 1 and June 2. The FCC activates DIRS during any type of disaster (storms, earthquakes, flooding, wildfires, etc.). DIRS participants report their operational status to the FCC and can request assistance. Exercise participation is voluntary. If your station is not registered for DIRS, it can do so at www.fcc.gov/nors/disaster/. If you would like to participate in the exercise, email julia.tu@fcc.gov and Michael.caiafa@fcc.gov.

DATES TO REMEMBER

June 1, 2021

Radio Stations located in Arizona, Idaho, Nevada, New Mexico, Utah and Wyoming – deadline to file license renewal application and EEO program report; on-air/online announcements and public file certifications are required under the new local public notice rule.

Television Stations located in Michigan and Ohio – deadline to file license renewal application and EEO program report; on-air/online announcements and public file certifications are required under the new local public notice rule.

Radio and TV Stations located in Arizona, Idaho, Nevada, New Mexico, Utah, Wyoming, Michigan, Ohio, District of Columbia, Maryland, Virginia and W. Virginia: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from June 1, 2020 – May 31, 2021, upload it to the station online public inspection file and post it on the station website.

June 1-2, 2021

DIRS Participants: the FCC's Public Safety and Homeland Security Bureau will conduct its annual Disaster Information Reporting System (DIRS) exercise. Participants will receive a mock activation letter on May 31, 2021.

June 16, 2021

6:00 p.m. ET deadline to remit upfront payments for those qualified to participate in **Auction 109**.

July 10, 2021

TV, Class A, AM & FM Stations (commercial & noncommercial): complete 2nd Quarter 2021 issues/program lists and upload to online public file.

Class A TV Stations Only: complete and post to your online public file a 2nd Quarter 2021 certification of ongoing Class A eligibility.

July 13, 2021

Any Analog LPTV and TV Translator Stations: cease all analog television operations regardless of whether digital facilities are operational. Stations that choose not to convert to digital and instead intend to permanently discontinue operations must submit their station licenses for cancellation by this date.

Full Power Television Stations: deadline to file for digital-to-digital replacement translators to recover lost digital service areas resulting from the incentive auction repacking process.

July 23, 2021

Mock Auction for **Auction 109**.

July 27, 2021

Auction 109 bidding begins.

August 2, 2021

Radio Stations located in California – deadline to file license renewal application and EEO program report; on-air/online announcements and public file certifications are required under the new local public notice rule.

Television Stations located in Illinois and Wisconsin – deadline to file license renewal application and EEO program report; on-air/online announcements and public file certifications are required under the new local public notice rule.

Radio and TV Stations located in California, Illinois, Wisconsin, North Carolina and South Carolina: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from August 1, 2020 – July 31, 2021, upload it to the station online public inspection file and post it on the station website.

August 11, 2021

All Broadcast Stations Required to Have EAS Equipment: National EAS Test. File ETRS Form 2.

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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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