



# Broadcast Newsletter

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## **NATIONAL EAS TEST SCHEDULED**

By [Public Notice](#), the FCC's Public Safety and Homeland Security Bureau has announced the 2021 Nationwide test of the Emergency Alert System. The test is scheduled for August 11, 2021, with a back-up date of August 25.

All EAS Participants – including Low Power FM stations (LPFM), Class D non-commercial educational FM stations, and EAS Participants that are silent pursuant to a grant of Special Temporary Authority – are required to register and file in ETRS, with only the following exceptions:

(1) analog and digital low power television (LPTV) stations that operate as television broadcast translator stations are not required to register and file in ETRS;

(2) FM broadcast booster stations and FM translator stations which entirely rebroadcast the programming of other local FM broadcast stations are not required to register and file in ETRS; and,

(3) analog and digital broadcast stations that operate as satellites or repeaters of a hub station (or common studio or control point if there is no hub station) and rebroadcast 100 percent of the programming of the hub station (or common studio or control point) are not required to register and file in ETRS. However, the hub station (or common studio or control point) is required to register and file in ETRS.

EAS Participants must file **ETRS Form One** by July 6, 2021, and may update or correct it through August 5, 2021.

**ETRS Form Two** must be filed no later than August 12, 2021, and will report whether the test was received and transmitted.

**ETRS Form Three** must be filed no later than September 27, 2021, and will report any issues that an EAS participant experienced with the test.

ETRS filers can log into the system at this [link](#), and must have a CORES Username to do so. If there are problems logging in, or if a new CORES username is needed, the FCC's notice contains links for doing so. ETRS Form One

does pre-populate from prior filings once a facility id is specified, but the pre-populated information should be reviewed and corrected where necessary.

The FCC has not previously taken enforcement actions against stations for failing to participate, or for failing to take pre-test actions necessary to receive and transmit the test. However, they specifically reserve the right to do so.

## ROUGH START FOR C-BAND RELOCATION CLEARINGHOUSE ON LUMP-SUM REIMBURSEMENTS

If you previously filed with the FCC for a lump sum reimbursement of your costs for modifying satellite receive/transmit facilities located in the portion of the C-Band that was repurposed and auctioned off for new purposes, you need to take actions with the Relocation Payment Clearinghouse to receive those funds. But don't expect ease and efficiency (at least not initially).

The FCC has contracted with Relocation Payment Clearinghouse LLC (RPC) to administer the cost-related aspects of the C-Band transition mandated by the FCC. The RPC recently sent emails to C-Band registrants from an [info@CbandRPC.com](mailto:info@CbandRPC.com) address to establish points of contact and initiate the process of setting up bank accounts to receive reimbursement funds. Some registrants may not have received those emails, or thought that they were spam of some kind. Whether or not you've received such an email, or deleted it as spam, action is required.

The RPC's system for submitting and processing claims associated with the C-Band relocation program is called COUPA. Claimants must establish a profile, submit claims, track the status of the claim, and communicate with RPC through COUPA. Claimants looking to establish contact with RPC or understand the reimbursement procedures should reach out and visit [www.cbandrpc.com/resources](http://www.cbandrpc.com/resources) where a handbook on the process is available review, and then begin submitting the required online information.

We've heard from some of you that the COUPA's online submittal process leaves much to be

desired, and in some cases, has had to be completed more than once. We understand that in at least one case, the RPC apologized and indicated that they are experiencing some initial issues with the online system. Nevertheless, COUPA is the only path to receiving lump sum reimbursement funds, so submissions will ultimately be necessary (along with a dose of patience).

## AUCTION 109 UPDATE

Several important dates for the FCC's Auction 109 of commercial AM/FM construction permits will occur in July. Details on all deadlines and procedures are in the auction [Public Notice](#).

Up next is an anticipated public notice from the FCC announcing all qualified bidders in the auction. That notice and list is expected toward the end of the first week of July. It will contain important information about the distribution of the SecureID devices to authorized bidders, including approximately when those will be shipped or should arrive. Following that, there is a mock auction for authorized bidders that will take place on July 23, 2021. The auction itself will begin July 27, 2021.

## MEDIA BUREAU ISSUES REMINDER ON BIENNIAL OWNERSHIP REPORTS

The FCC's Media Bureau has taken notice of license renewal applications reporting issues or delays in station biennial ownership report filings for the prior license term. We've directly heard from the FCC staff on more than one occasion that late or missing biennial ownership reporting has now gotten the attention of the Acting Chair's office and has delayed the processing of renewal applications that either report or have biennial ownership report issues. We think that is what prompted the Media Bureau's recent [reminder](#) about broadcaster obligations to file biennial ownership reports. Here's an important excerpt from that reminder:

***We remind licensees that, as part of its review of license renewal applications, Bureau staff will be reviewing whether licensees have filed their 2019 and 2021 biennial ownership information and***

***whether they have certified truthfully concerning compliance with the filing requirement. Commission staff may pursue actions against licensees that fail to file their biennial ownership reports, including enforcement actions against any that make a false certification of FCC Form 2100, Schedule 303-S regarding the filing of such reports.***

Sounds kind of ominous, doesn't it? As is often the case, the Media Bureau sometimes decides to "warn" broadcasters before taking enforcement actions. This "reminder" may be such a warning. We'll add one here – if your station's ownership reports were not timely filed during the last license term, answer the renewal ownership report certification "no" and attach an explanation. Honesty wins the day at the FCC.

The normal deadline for all stations to file their biennial ownership reports is December 1<sup>st</sup> in odd-numbered years. In 2019, the FCC extended the deadline until January 31, 2020. For the reports due in 2021, we do not anticipate an extension. Biennial ownership reports must include information current as of October 1 of the filing year, and typically, the FCC enables the form menu to include that date and enables preparation and filing of the form beginning on October 1st. Set your calendar.

## TV REPACK REIMBURSEMENT AUDITS

For any TV station that was repacked to a different channel after the 2017 TV Incentive Auction, the process for reimbursement of expenditures for relocating to that channel has been a long and complicated one, with the filing of multiple Form 399s with the FCC to substantiate expenses.

Some stations that are now at the end of that process have filed their final Form 399, which then generates an email to the station contact representative about completing the Interim Close-Out process, which requires the station to review a financial reconciliation statement and return it to the FCC with proof of payment for the invoices specified. If an overpayment is discovered during the review, the station gets to return the excess amount to the FCC. Stations have 30 days to

respond to the Interim Close-Out email, and it is critical that they do so in a timely manner.

Once the FCC's Fund Administrator receives the signed reconciliation statement and proof of payment documentation, an interim close-out letter is sent. At or near the conclusion of the reimbursement program, the FCC will issue final amounts and a final close-out letter.

Repacked TV stations that have filed their final Form 399 should be on the lookout for the email from the FCC, which is sent from the [fccfundadmin@fcc.gov](mailto:fccfundadmin@fcc.gov) email address. You may want to white list that email address so that it does not get misdirected as spam.

## JULY 13<sup>TH</sup> TV MILESTONE

July 13, 2021 will mark the end of all television analog broadcasting, with LPTV stations and TV translator stations still operating in analog being required to cease analog transmissions on that date. If those stations do not have a digital construction permit, their analog licenses will expire automatically. The FCC's reminder about the deadline can be reviewed [here](#). A separate reminder about the July 13, 2021 expiration of certain new digital low power and TV translator construction permits can be reviewed [here](#).

## FCC REINSTATES PRIOR CHANGES TO ITS MEDIA OWNERSHIP RULES

The FCC has [reinstated](#) the 2017 changes to its ownership after the US Supreme Court unanimously reversed a Third Circuit decision rejecting the rule changes. In an administrative action, the FCC's Order eliminated the Newspaper/Broadcast Cross-Ownership Rule, the Radio/Television Cross-Ownership Rule, and the Television Joint Sales Agreement Attribution Rule. Other minor revisions to the Local Television Ownership Rule and Local Radio Ownership Rule were also reinstated, as were the eligible entity standard adopted in the 2017 Order and the regulatory measures adopted in the Incubator Order.

In conjunction with the reinstatement order, the FCC [asked](#) for updates to the record of the 2018 Quadrennial Regulatory Review, which had been on hold while the litigation was pending.

## EMAIL ADDRESS REQUIREMENT ADOPTED FOR FRNS

The FCC has issued a [Report & Order](#) modifying its rules to require all current and future FRN registrants to provide the FCC with a valid email address and keep that email address current along with other registration information. This requirement will enable the FCC, in coming months, to remove access to its legacy CORES system and maintain only the modernized version of CORES for FRN registration (which requires a CORES username). A sunset date for access to the legacy CORES system will be announced in coming months. When that occurs, users seeking to make changes to their FRN registration will need to do so in the new CORES by associating a username and password to their FRN. New and current registrants are encouraged to use the modernized CORES system going forward.

## DATES TO REMEMBER

### July 6, 2021

**All Broadcast Stations Required to Have EAS Equipment:** Deadline to file ETRS Form One for the 2021 National EAS Test.

### July 10, 2021

**TV, Class A, AM & FM Stations (commercial & noncommercial):** complete 2<sup>nd</sup> 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 2<sup>nd</sup> Quarter 2021 certification of ongoing Class A eligibility.

### July 13, 2021

#### Official End to Analog Television Broadcasting

**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 5, 2021

**All Broadcast Stations Required to Have EAS Equipment:** Deadline to update or correct earlier-filed ETRS Form 1 for 2021 National EAS Test.

### August 11, 2021

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

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