



Broadcast Newsletter

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MEDIA BUREAU TRANSITIONS MORE FILINGS TO LMS; INTRODUCES NEW FORM

In a May 2, 2022 public notice, the Media Bureau announced that as of May 17, 2022, several filings would be required and become available in the Licensing Management System (LMS). Included in the list are FM Engineering STAs and extensions, Silent STAs and extensions, suspension of operations notices, resumption of operations notices, AM/FM digital notifications, Modulation Dependent Carrier Level (MDCL) notifications, tolling notifications, reduced power notifications, and pending application withdrawals.

We noticed a new form in the FCC’s public notice that had not previously been available in CDBS. It involves providing notice to the FCC when the primary station for an FM translator is changed. Previously, such notices were done informally via email to FCC staff members. Those emails weren’t always effective in getting the databases updated, and many follow-up communications were required. Sometimes, the staff asked for coverage maps to prove that the primary station change was lawful under the rules.

The new form will certainly help with streamlining the process of changing a primary station. However, a significant amount of information is required. Specifically, the form requires the uploading of an exhibit (i) addressing that the change is for a licensed FM translator facility, (ii) indicating whether it applies to all pending/recently granted translator applications, (iii) providing a contour map showing the protected contour of the primary station and the translator station, (iv) defining if the translator will be a fill-in or non-fill-in with respect to the primary station and specifying the delivery method, (v) indicating if HD2, HD3 or HD4 digital stream will be used, and (vi) for AM primary stations, indicating if the translator was part of the revitalization windows.

The new forms are available at various (and, unfortunately, not intuitive) locations once a station logs in to LMS with its FRN. STA extensions or tolling notifications are in the pull down menu under the Authorizations tab (after selecting the STA authorization). Withdrawals are filed from the "Submitted" tab on the applications page. All other filings require the user to start with the Facilities page by selecting the FRN of the facility for which a filing is desired.

CALM ACT UPDATE?

[Legislation](#) has been introduced in the US Senate to update the Commercial Advertisement Loudness Mitigation (CALM) Act that was originally adopted a decade ago and implemented by the FCC to stop loud commercials during video programming.

As proposed, the new legislation would increase the FCC's enforcement powers, potentially eliminating the liability protection that TV broadcasters currently enjoy through using certain technology to prevent loud commercials. In addition, the legislation would extend compliance requirements to streaming video providers. Currently, the rules only apply to TV stations and Cable operators.

This legislation bears close watching by TV stations that use technology to control loud commercials, video content providers that stream programming, or Public Interest Obligation DBS Channel content providers who must periodically certify to their CALM Act and FCC Rule compliance.

TV AUCTION 112 – JUNE 2022

The FCC's auction of 27 commercial television permits will begin June 7, 2022. Participants should have received their auction tokens that allow access to the FCC's auctions system. Access for the mock auction opens Thursday June 2nd at 12 noon ET. The mock auction begins Friday June 3rd. Access to the auctions system for mock auction participation and review will continue until Monday June 6th at 12 noon ET. The actual Auction 112 bidding system becomes available an hour later at 1 pm ET. The auction itself will begin

on June 7, with the first round starting at 10 am ET. There will be four rounds on the first day.

A review of the auction procedures and all notices is available [here](#).

THE RETURN OF EEO FORM 395-B

At the recent NAB convention in Las Vegas, new Media Bureau Chief Holly Saurer stated that the FCC's Form 395-B, suspended since 2001, will be returning as a filing requirement for broadcasters. The form requires the annual reporting of broadcast station employees by race and gender.

The possibility of the form being reinstated was considered in the FCC's EEO rulemaking initiated in 2021 but the FCC has not yet issued an order adopting the requirement. Protection of the data being collected was a significant issue being considered. The instructions to the form would likely have to be substantially updated, as they were originally written in the 1990s.

The exact timing for return of the filing requirement was not mentioned by the Bureau Chief. Broadcasters can review the form and instructions as it was in 2001 at this [link](#).

FCC WANTS COMMENT ON PETITION FOR CONTENT VENDOR DIVERSITY REPORT

In the days immediately following the submission by FUSE, LLC and others requesting that the FCC initiate a rulemaking proceeding to adopt a content vendor diversity report, the FCC issued this [notice](#) on May 23, 2022 seeking comment from the public as to whether it should move forward with a rulemaking. Comments are due July 22nd with Reply Comments due August 22nd.

The petitioners want the FCC to require licensees and regulatees in television broadcast, cable, broadband and satellite services to collect diversity data from the content vendors they use for both their traditional regulated platforms as well as for their affiliated or commonly owned streaming video distribution platforms. According to the petitioners, doing so would serve twin purposes of enhancing FCC decision-making on competition and viewpoint

diversity and informing the public so they can make informed decisions about the video services they use.

LEGACY CORES RETIREMENT

The FCC has [announced](#) that as of July 15, 2022, it will retire the CORES legacy system that generated FRNs and passwords for new users. Once Legacy CORES is retired, users will be unable to make any changes to their FRNs in that system, including resetting their passwords, and will have to use CORES2 instead. Users will need to register in CORES2 to gain online access and manage their FRN(s).

Using CORES2 for FRN-related transactions requires FRN registrants to set up an account with a unique username (by providing a valid e-mail address) and password to associate with their existing or new FRN(s). The FRN registrant's email address is then established in the system as their username. Users already registered in CORES2 can continue to manage their FRNs in CORES2 without change. No additional actions are required for CORES2 users.

A CORES username will eventually be required for all FCC filings. Licensees can use the username system to control access to their accounts, including by disabling access for employees that change jobs or are terminated.

DATES TO REMEMBER

June 1, 2022

Television 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.

Radio and TV Stations located in Washington DC, Maryland, Virginia, West Virginia, Michigan, Ohio, Arizona, Idaho, Nevada, New Mexico, Utah, and Wyoming: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from June 1, 2021 – May 31, 2022, upload it to the station

online public inspection file and post it on the station website.

June 3, 2022

Mock Auction for TV Auction 112

June 7, 2022

Bidding Begins in TV Auction 112

July 10, 2022

TV, Class A, AM & FM Stations (commercial & noncommercial): deadline to complete 2nd Quarter 2022 issues/program lists and upload to online public file.

Class A TV Stations Only: deadline to complete and post to your online public file the 2nd Quarter 2022 certification of ongoing Class A eligibility.

July 22, 2022

Deadline to file comments on whether the FCC should initiate a rulemaking requiring video providers to file a report on vendor viewpoint diversity.

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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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