Hardy, Carey, Chautin & Balkin, LLP
ATTORNEYS AT LAW
Broadcast Newsletter

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FCC DELAYS NONCOMMERCIAL FM TRANSLATOR FILING WINDOW

The FCC has delayed the previously announced Noncommercial FM translator filing window previously scheduled for August 11-25, 2026. The window will now **open November 4, 2026 at 12:01 am ET and close on November 17, 2026 at 6pm ET**.

Applications filed during the window must be electronically submitted in LMS using the Form 2100, Schedule 349 FM translator construction permit application, which will now first become available on August 3, 2026. The Notice and application instructions will govern application completion requirements.

The FCC's earlier notice announcing filing procedures remains in place, but the Bureau staff has received questions regarding point system criteria and may issue a new public notice to provide additional guidance and clarification.

To qualify for filing window participation, applicants must already be licensee of the proposed FM translator's primary station and may only have attributable interests in 10 applications filed in the window. Applications filed during the window will not be visible to other applicants until the end of the filing window, which will avoid predatory filings. Because the authorizations are noncommercial, there is no application filing fee.

FM translator applications proposing a 1 mV/m coverage contour entirely within the protected contour of its NCE primary station will be prioritized and granted over any other conflicting application that extends beyond the protected contour of its primary station. For all other applications that conflict with/are mutually exclusive with other applications proposing the same service (i.e., 'fill-in' or 'non-fill-in') the FCC will use a points system and tiebreakers to determine who will be awarded the permit.

The point system is the same one used for full power NCE FM radio stations. A total of 7 points may be awarded – 3 points for an established local applicant, 2 points for diversity of ownership or state-wide network, and up to two points for technical superiority. Tie-breakers are applied sequentially using existing radio station authorizations, then number of pending radio station applications, and then first-filed application. All claimed points must be supported by documentation submitted with the application or the claimed points will not be awarded. As mentioned above, the FCC may issue clarifying guidance on points system questions.

Any permits granted in the window will be subject to a 4-year holding period prohibiting a change in primary station or a sale of the translator without the primary station.

The FCC is implementing a limited filing freeze beginning October 2, 2026 on all LPFM, FM translator and FM booster station minor mod applications, which will continue through the close of the filing window. So, for those thinking of filing to modify an existing LPFM, FM translator or FM booster station, the clock is ticking and you have about 60 days to get those prepared and filed before the freeze begins.

FCC Plans August 6th Vote on Repealing 39% National TV Ownership Cap

The FCC has announced that it will vote on repealing the 39% cap on national commercial television station ownership at its August 6th meeting. In addition, it will vote to replace the cap with a more nuanced case-by-case review, approving proposals that are in the public interest and rejecting others that are not.

Repealing the cap will give the FCC a tool to level the playing field between television and other video content providers who have no market restrictions, while enhancing localism and promoting investment in news gathering operations.

The 2-1 Republican majority likely means a vote in favor of repealing the cap, though legal challenges are sure to follow. The 39% cap was adopted by Congress, and some argue that only Congress can change it. Chairman Carr has countered that Congress has not withdrawn or curtailed the FCC's power/authority to regulate or change ownership limits, and pointed to prior positions on both sides of the aisle that agree with that position.

IHeart Enters into Sponsorship ID Consent Decree

On July 9, 2026, the FCC announced an Order adopting a consent decree with IHeartMedia, Inc. concluding its investigation of whether IHeart violated the FCC's sponsorship ID laws in connection with procuring musical artists to perform at company events.

Despite IHeart's position that it did not trade radio airplay in exchange for artist performances at Company events and therefore had no obligation to make on-air disclosure under the FCC's payola policies, the Company did agree to augment its existing payola practices and policies. Their agreement to do so halted the investigation, subject to compliance with a slew of compliance actions agreed to in the consent decree.

Those compliance actions include, among several others, documented disclosure of anti-payola policies to music artists, a hotline for company employees to report potential violations (with accompanying tracking log), whistleblower protection for employees, and agreeing to discipline employees in the event of any future forfeiture order.

For stations or station groups that use musical artists in connection with company events or concerts, a close reading of the consent decree is a good idea. There may be actions that could augment your payola policies or add 'insurance' against non-compliance with future potential complaints or investigations.

DATES TO REMEMBER

August 1, 2026

Radio and TV Stations located in North Carolina, South Carolina, Illinois, Wisconsin and California: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from August 1, 2025 to July 31, 2026, upload it to the station online public inspection file and post it on the station website

Mid-Term EEO Reviews for Radio stations have ended because all radio stations are now beyond the mid-point of their current 8-year license renewal term. License renewal applications for radio stations in the District of Colombia, Maryland, Virginia and West Virginia will be due in one year on June 1, 2027

Mid-Term EEO Review for Television stations located in California: if station employment unit has **five (5) or more full-time employees**, an independent **mid-term EEO review** of the station's last two EEO public file reports by the FCC will occur in connection with your upload of the 2025-26 EEO public file report due August 1. By uploading an EEO public file report, the FCC automatically knows that the television station meets the 5 or more full-time employee threshold for a mid-term review. So unlike for radio, there is no OPIF mechanism available or needed for TV stations to specify the number of SEU employees

August 3, 2026

FCC Form 2100 Schedule 349 (FM Translator Construction Permit Application) available for data entry in LMS – applications for November NCE FM translator window can begin preparing applications on this date.

Late September 2026

All Non-Exempt Commercial Broadcast Stations must remit annual regulatory fees during a to-be-set time period usually occurring in late September. The exact dates and amounts should be announced in late August 2026

October 1, 2026

Deadline for all **Full Power Commercial and Noncommercial Television** stations to place their 2027-29 carriage election statement in the public file (and if applicable, email the election to any MVPD providers for which carriage is initially being sought or changed) **and deadline** for all **Class-A and Low Power Television** stations eligible for mandatory carriage and making an initial carriage election or changing carriage status to send notice of their 2027-29 carriage election via email to MPVD providers. Emailed notices or elections must be sent to the MVPD's email address listed in the "Carriage Election Contact Information" in the MVPD operator's online public file.

Radio and TV Stations located in Iowa, Missouri, Alaska, American Samoa, Guam, Hawaii, Marianas Islands, Oregon, Washington, Florida, Puerto Rico and the Virgin Islands: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from October 1, 2025 to September 30, 2026, upload it to the station online public inspection file and post it on the station website

Mid-Term EEO Review for Television stations located in California: if station employment unit has **five (5) or more full-time employees**, an independent **mid-term EEO review** of the station's last two EEO public file reports by the FCC will occur in connection with your upload of the 2025-26 EEO public file report due August 1. By uploading an EEO public file report, the FCC automatically knows that the television station meets the 5 or more full-time employee threshold for a mid-term review. So unlike for radio, there is no OPIF mechanism available or needed for TV stations to specify the number of SEU employees

October 2, 2026

LPFM, FM translator and FM Booster Stations: Minor modification filing freeze begins and will continue until 6p ET on August 25, 2026

October 10, 2026

TV, Class A, AM & FM Stations (commercial & noncommercial): Deadline to complete and upload to online public file the 3rd Quarter 2026 issues/program lists and any foreign sponsorship identification reports

Class A TV Stations Only: Deadline to complete and post to your online public file the 3rd Quarter 2026 certification of ongoing Class A eligibility

Noncommercial Broadcast Stations: Deadline to complete and post to your online public file the 3rd Quarter 2026 report for any 3rd Party Fundraising conducted during the quarter

November 4, 2026

Noncommercial FM Translator filing window opens at 12:01 am ET.

November 17, 2026

Noncommercial FM Translator filing window closes at 6p ET.

For more info, contact Joe Chautin or Mark Balkin.

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