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DEADLINE FOR FIRST REQUIRED FILING FOR EAS NATIONAL TEST IS OCTOBER 30

The FCC announced a National EAS Test for November 17, 2026, at 2:20 pm ET. In advance of the test, all EAS participant broadcast stations must either update or file ETRS Form 1 by October 30, 2026. ETRS Form 2 must be filed on or before 2:20 pm ET November 19, 2026, to report test receipt and transmission details. ETRS Form 3 must be filed no later than January 4, 2027, to report any test anomalies or difficulties. We encourage you to carefully review the notice for the required actions. Forms 1, 2 and 3 can be accessed and completed in the ETRS System. Login is completed at this link using a CORES Username. In the event that the scheduled November 17 test must be rescheduled due to conditions/events, the fallback date is December 3, 2026, at the same time.

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 participate in the test and file the required ETRS Forms, with the following exceptions (1) digital TV translator stations; (2) FM broadcast booster and FM translator stations entirely rebroadcasting other FM stations, and (3) digital full power stations operating as satellites or repeaters of a hub station/common studio or control point that rebroadcast 100 percent of the programming of the hub station/common studio/control point.

When accessing ETRS, previously filed ETRS Form 1s may be available for you to update in order to avoid new data entry. Stations should ensure that their EAS equipment is operational with up-to-date software and is monitoring the correct stations. Per the FCC, an EAS Participant's failure to receive or transmit an EAS message during a national test or actual emergency because of an equipment failure may subject the EAS Participant to enforcement action. After the last National EAS Test, several broadcasters that did not submit ETRS forms received notices of inquiry from

the FCC's Enforcement Bureau. Should you require our assistance with any aspect of the National EAS Test, please let us know so that we may provide timely assistance to you as we work through numerous other FCC filings this fall.

Commission to Adopt New Rules to Streamline Tower Construction

On September 30, 2026, the Commission is expected to adopt an order revising the Commission's National Environmental Policy Act (NEPA) rules to clarify which Commission actions meet the amended NEPA statute's definition of Major Federal Action (MFA) and trigger required compliance with NEPA. Currently, new tower construction – for wireless or broadcast use – requires a certification that the construction will have a detrimental effect on the environment by considering the Commission's current NEPA checklist. The new rules are expected to eliminate ongoing environmental evaluations for more than 14,800 wireless deployments. Among other changes, it is expected that the new rules will find that many spectrum license deployments and satellite earth stations do not qualify as MFAs to the extent the deployments do not require antenna structure registration. The order is also expected to streamline other aspects of the Commission's NEPA rules, including the Commission's requirements for categorical exclusions, environmental assessments, environmental impact statements, joint agency actions, and emergency situations.

TV Station Assigned to New DMA Can Only Elect Satellite Carriage in One DMA (and the county where it is licensed)

Television station WGBP-TV was reassigned by Nielsen from the Designated Market Area (DMA) where its community of license is located (Columbus (GA)-Opelika) to the Atlanta DMA and tried to elect satellite carriage throughout both DMAs simultaneously. In its September 29, 2026 Memorandum Opinion & Order the Commission granted DISH Network's Application for Review of a Media Bureau order that had granted WGBP's carriage complaint that sought mandatory carriage for WGBP throughout both its Nielsen-assigned DMA, Atlanta, and the DMA where its community of license is located.

The Satellite Home Viewer Improvement Act of 1999 (SHVIA) provides that a satellite carrier that uses the statutory copyright license to retransmit at least one television broadcast station signal into a local market is required to "carry upon request the signals of all television broadcast stations located within that local market." SHVIA defines "Local Market" as "the designated market area in which a station is located" and "the county in which the station's community of license is located."

The Commission's rules provide the term "local market" as it is used for satellite carriage purposes "includes all counties within a market, as well as the home county of the television station in that county." Reading this, the Media Bureau found that the station was located in two markets – its Nielsen-assigned DMA and, as one of the counties in its previous DMA – and therefore the station could simultaneously elect mandatory carriage throughout both DMAs. In overturning the Media Bureau's decision, the Commission stated that nothing in SHVIA or its rules state that a station can elect mandatory carriage in two DMAs and that the station has the flexibility to "choose" whether to assert must-carry rights in (1) 'its Nielsen-assigned DMA plus the county where its community of license is located, or (2) 'the entire DMA where its community of license is located'."

Commission Allows License Renewals for TV Stations that were Non-compliant with Children's Programming Rules

Pursuant to section 73.671(d) of the Commission's rules, the Media Bureau had referred five (5) TV station renewal applications to the Commission for assessment of whether the licensees complied with their obligation to offer programing designed to serve the educational and information needs of children (Core Programming) because they could not "demonstrate compliance with the "safe harbor" processing guidelines. In its September 21, 2026 order, the Commission stated that "[d]uring the course of the term covered by the Renewal

Applications, the Commission adopted the *Children's Modernization Order* revising its rules implementing" the Children's Television Act and that they were "subject to different safe harbor processing guidelines at different times during the license term." The Commission also stated that "during this period of time [the stations] faced not only significant regulatory change from prior renewal cycles due to the revised safe harbor processing guidelines, but also significant operational change due to the completion of the Incentive Auction, the implementation of channel sharing, and unique factual scenarios, including from the COVID-19 pandemic. Based on those "unique factors, the Commission directed the Media Bureau to complete processing the renewal applications. We note however, that the Commission made clear that this "pass" was limited stating "we do not anticipate future scenarios compelling enough for us to return to the Bureau for processing those renewal applications that do not certify compliance with the safe harbor processing guidelines."

New EAS Cybersecurity Rules are in Effect

As noted in our August newsletter, the FCC's cybersecurity rules for EAS equipment went into effect on September 29, 2026. If you are still confused about all of the new rules, last week, the Commission issued some Frequently Asked Questions (and answers). You can find them here.

Dates to Remember

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 November 17, 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.

October 20, 2026

Deadline for all broadcast stations included in the FCC's August 21, 2026, EEO Audit to upload their responses to the online public file of the audited station and any other stations in the station employment unit.

October 30, 2026

Deadline for virtually all broadcasters – including Low Power FM stations (LPFM), Class D non-commercial educational FM stations, and stations that are silent

pursuant to a grant of Special Temporary Authority – **to file or update ETRS Form 1.**

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.

EAS National Test – at 2:20 pm ET all EAS participants are required to participate in the test.

November 19, 2026

Deadline – by 2:20 pm ET – all EAS participants must 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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