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Broadcast Newsletter

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NATIONAL EAS TEST IN NOVEMBER

A National EAS Test is scheduled for November 17, 2026 at 2:00 pm ET. If your participating station has not already filed the ETRS Form One in preparation for the test, today – October 30 – is the deadline to complete that filing. Form One tells the FCC about your current equipment, software, location, monitoring stations and contact information.

Within 48 hours of the November 17th test, stations must file ETRS Form Two to report whether they received and retransmitted the test. The form will be available in ETRS immediately following the test and must be filed by 2:00 pm ET November 19th.

Once the ETRS Form Two is filed, stations will be able to immediately prepare and file the ETRS Form Three to report any issues or problems with the receipt or retransmission of the test, but will have until January 4, 2027 to make that final filing.

Stations should check equipment for functionality and be sure the latest software is installed.

If you need assistance accessing ETRS or would like to preview test responsibilities by watching instructional videos, all of those links can be found in the FCC's National EAS Test public notice.

FCC STRIKES EEO FORM 395-B RULE REFERENCES

As part of its ongoing *Delete, Delete, Delete* proceeding (yes, that proceeding is still open and active), the FCC recently cleaned up its EEO rules by deleting references to the requirement or documentation of the EEO Form 395-B, which was legally struck down in the courts over a year ago.

A number of commenters in the *Delete* proceeding have suggested eliminating all or some of the remaining EEO requirements for broadcast stations, but those comments have not yet been acted upon. In the meantime, the FCC continues to conduct periodic EEO random audits and is

poised to conduct station specific EEO audits as part of license renewals, which begin with radio stations in 2027.

Media Bureau Seeks Comment on FM Broadcast Spacing Rules Petition

Well respected broadcast consulting engineer Chuck Anderson has petitioned the FCC's Media Bureau to amend its FM broadcast station spacing rules, and the FCC has asked for public comment on the proposal. There is no deadline to file comments, but if supported, the FCC's next step would be to formally launch a proposed rulemaking to amend the rules.

Anderson's petition contends that the distance limitations set forth in section 73.215(e) of the FCC's rules afford existing FM broadcast stations no leeway in relocating transmission facilities from aging towers or lost tower sites to existing towers. He proposes a new subsection (f) that would allow deviation from the spacing limitations provided a showing is made that no greater interference will be caused to short-spaced stations than would occur at the currently specified minimum distances. Comments can be filed here.

Consent Decree and $28,000 Price Tag for Children's TV Violations

A Class-A television station in Indiana has entered into a consent decree with the FCC's Media Bureau for violations of the children's television rules from the last license renewal cycle. The decree does not impose any reporting obligations but instead grants the station's license renewal cycle contingent upon payment of a $28,000 voluntary contribution to the U.S. Treasury.

In its license renewal application, the station disclosed that in the fourth quarter of 2020 and throughout all four quarters of 2021, it had aired less than the required amount of regularly scheduled weekly children's television. The Media Bureau initially referred the Station's renewal application to the full Commission, which determined that during the license term, the station had faced significant regulatory and operational changes, as well as unique factual scenarios, and returned the renewal application to the Bureau for further processing. In the consent decree, the Media Bureau concluded that in consideration of the facts and nature of the station in this case, the Licensee's history of compliance, and the Licensee's agreement to pay $28,000, it would grant the license renewal for a full term and terminate its investigation.

Other stations with license renewal applications still pending due to children's TV violations have recently received similar treatment and varying contribution amounts.

License renewals for television stations will begin in June 2028 and continue into 2031. Children's television compliance certifications are required in every license renewal application.

Dates to Remember

October 30, 2026
All EAS Participants must file ETRS Form One.

November 4, 2026
Noncommercial FM Translator filing window opens at 12:01 am ET.

November 17, 2026
All EAS Participants must receive and retransmit the National EAS Test scheduled to be sent at 2pm Eastern.

November 17, 2026
Noncommercial FM Translator filing window closes at 6p ET. Minor modification filing freeze for LPFM, FM Boosters and FM translators is lifted.

November 19, 2026
All EAS Participants must file ETRS Form Two no later than 2pm Eastern.

December 1, 2026
Radio and TV Stations located in Alabama, Georgia, Colorado, Minnesota, Montana, North Dakota, South Dakota, Connecticut, Maine, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from December 1, 2025 to November 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 Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont: 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 December 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

December 3, 2026
Auction 114 Qualified Bidders deadline to remit upfront payment via wire transfer is 6p ET

January 4, 2027
All EAS Participants must file ETRS Form Three before or by this date.

January 10, 2027
TV, Class A, AM & FM Stations (commercial & noncommercial): Deadline to complete and upload to online public file the 4th 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 4th Quarter 2026 certification of ongoing Class A eligibility

Noncommercial Broadcast Stations: Deadline to complete and post to your online public file the 4th Quarter 2026 report for any 3rd Party Fundraising conducted during the quarter

January 30, 2027
All Commercial Full Power and Class A Television Stations – deadline to complete and submit the 2026 children's television report in LMS ***and*** separately upload children's television commercial limits certification for all of 2026 in the station online public file

January 31, 2027
Web Streaming Radio Stations: deadline to remit annual license fee (minimum annual fee is $1100 for each stream this year) and related statement of account with SoundExchange for the statutory license allowing streaming of sound recordings on the web. Payment can be made on SoundExchange's online filing portal "Licensee Direct."

February 2, 2027
Auction 114 Bidding Begins for all qualified bidders who remitted upfront payments

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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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