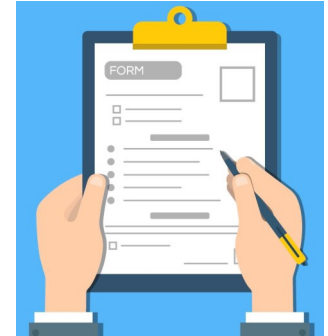




Calling all Repack-Affected LPTV/Translator and FM stations!

By Davina Sashkin
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Has your [low power TV station](#) (LPTV) been displaced by the repack? Or perhaps your [FM radio station](#) had to move to new or auxiliary facilities to accommodate a TV station repack on your tower? As we have discussed in previous blog posts, the FCC has been authorized by Congress to distribute reimbursements to the licensees of [LPTV and TV translator stations](#), as well as to [FM stations](#), for costs incurred to accommodate the post-Incentive Auction TV Repack. On August 15, 2019, the FCC announced the [opening of a window](#) for all such impacted station licensees to submit initial eligibility and cost information.



LPTV/Translator and FM stations looking for reimbursement from the FCC fund must file their initial Reimbursement Form (Form 2100, Schedule 399) by 11:59 PM ET on October 15, 2019. The Form 399 can only be launched through the [Licensing and Management System's \(LMS\) online filing portal](#); there is no filing fee.

LPTV/Translator and FM station licensees seeking reimbursement **must also complete Form 1876** in the Commission Registration System Incentive Auction Financial Module to submit their banking information for future reimbursement payments. In other words, to get any money for which you might be eligible, you have to file this form as well.

What to provide in the Form 399: for both LPTV/translator and FM stations, licensees will be required to provide basic operating information, such as equipment makes and models for existing (or pre-modification) facilities, as well as actual invoices or estimates of the costs incurred and expected to be incurred as a direct result of the Repack. Estimates of costs not yet incurred can be in the form of vendor quotes or can, for now, simply taken from the approved [cost catalog](#).

Eligibility Restrictions for LPTV/Translators: to be eligible for reimbursement funds, LPTV/TV Translator station licensees must demonstrate that they were granted a displacement construction permit from an application that was filed in the 2018 Special Displacement Window. The station must also prove (with documentation!) that it was (a) licensed or had an application for license pending on April 13, 2017; and (b) transmitting for not less than 2 hours a day, for not less than a total of 28 hours per calendar week, for 9 of the 12 months prior to April 13, 2017.

Eligibility Restrictions for FM Stations: FM station licensees seeking reimbursement eligibility must demonstrate that the TV Repack caused, or will cause, one of the following to occur: (a) permanent relocation of the main FM transmission site; (b) temporary dismantling all or some of the main broadcast facilities; or (c) the construction or modification of interim auxiliary facilities. Stations claiming costs for interim auxiliary facilities must further certify that the move resulted (or will result) in a loss of 20% or more of its normal coverage area or population.

As a reminder, it is expected that the funds available for reimbursing eligible stations likely will not cover more than 50-70% of costs incurred, but free money is better than no money – don't miss out! File your Forms 399 and 1876 before October 15! As always, feel free to contact FHH for assistance.

Revised Children's TV Rules Effective in Part Soon – Current Paperwork Requirements Still in Place, Further Comments Requested

By Anne Crump
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As we previously [reported](#), many of the revised Children's TV rules adopted by the FCC in July are to go into effect 30 days after publication in the Federal Register, and we now know what that effective date will be: September 16, 2019. That effective date will apply to the changes in permissible times of day for core programs, the changes in the total number of hours of core educational and informational (E/I) programming that must be aired when a station has multiple digital streams to fall within the safe harbor for license renewal, and the increased flexibility in allowing some shorter or not regularly scheduled programming to be considered as part of a station's performance.

What will not be effective, however, until Office of Management and Budget (OMB) approval is obtained, includes the removal of the requirement to instruct program guides to list a program as E/I and give target ages, allowing noncommercial stations to stop including the E/I bug in programming, changing commercial stations' filing of children's television programming reports and commercial compliance reports from quarterly to annual, and the new pre-emption policy which requires on-air announcements of rescheduled days and times of programs.

Essentially, anything which requires some form of communication from licensees to the FCC or the public remains unchanged for the time being. Therefore, until further notice, which likely will come sometime relatively shortly after the OMB comment period closes on November 7, those requirements remain in place. The Media Bureau [has announced](#), however, that stations' final quarterly Children's Programming Report will be the report due on October 10, 2019, and the first report on the revised annual Children's Programming Report will be due by January 30, 2020 (reporting on the period from September 17, 2019 through December 31, 2019).

Additionally, the FCC is seeking further comment on the creation of a framework under which a broadcaster could satisfy its children's programming obligations by relying in part on special efforts to produce or support Core Programming aired on another station or stations in the market. The Children's Television Act (CTA) has always permitted the Commission to consider a licensee's special sponsorship efforts, in addition to its own programming, in evaluating whether a licensee has served the educational and informational needs of children. On the other hand, the Commission has never had any rules or stated policies as to how much credit it would give, how much support of how many programs would be required, or any other specifics of how a station could get favorable consideration of sponsorship efforts. Because of the uncertainty, stations have steered clear of any attempt to use sponsorship of other stations' programming for their own license renewals in favor of simply complying with the much clearer safe harbor for their own programming.

The Commission now has invited commenters to submit proposals detailing a specific framework under which special sponsorship efforts may be considered as part of a broadcaster's license renewal. Some have characterized this inquiry as looking toward further deregulation, but it is really more of an attempt to implement in some practical way an unused provision that has been on the books for nearly 30 years. One thought behind this approach may be that while there is a large quantity of E/I children's programming available, the quality of some of that programming is lacking. Allowing stations to claim renewal credit for their support of such programming might cut down on its quantity but improve its quality – something like clearing the weeds from a garden and fertilizing the flowers.

Comments are due on September 16, 2019, and reply comments are due on October 15, 2019.

REC 'N' Roll in the FM Band

*By Peter Tannenwald
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Yes, REC Networks (RECNET) is on a roll with the Federal Communications Commission when it comes to the FM radio broadcast band. Describing itself as a “leading advocate for a citizen’s access to spectrum with a heavy focus on the Low Power FM (“LPFM”) and full-service non-commercial radio,” RECNET has succeeded in getting the FCC to propose modifications to the LPFM rules and has jumped right back in the game with a new petition to allow the creation of new small non-commercial FM stations in rural areas.

On the LPFM side, in response to a RECNET petition filed a little over a year ago, the FCC has released a [Notice of Proposed Rulemaking](#) (NPRM) looking toward eliminating some technical obstacles that have blocked both modifications of the facilities of existing LPFM stations and the creation of new LPFM stations. Despite (or perhaps sometimes because of) the existing technical rules, which are fairly liberal, many community groups wishing to build LPFM stations have been unable to do so. Existing LPFM stations, which often suffer debilitating interference from other stations, have been precluded from modifying their facilities to try to improve reception by the public. The proliferation of unlicensed and unauthorized (so-called “pirate”) FM stations, a phenomenon to which neither the FCC nor the radio industry takes kindly, is evidence of continuing strong demand for outlets for minority, ethnic, and other niche programming formats that may not generate enough revenue to support the cost of operating a full-power FM station – outlets that LPFM can sometimes provide.



The current technical requirements for LPFM stations are intentionally simple. Permissible transmitter locations are determined by fixed mileage separation requirements from co-channel and adjacent-channel stations, and power levels are fixed at 100 watts (the FCC has not yet accepted applications for a 10-watt class). Transmitter site changes are limited to 5.6 km (3.5 miles). This regulatory simplicity allows the use of computer tools by relatively unsophisticated persons to find frequencies and transmitter sites, although professional engineers are often retained to help applicants find frequencies and sites in congested areas where they need adjacent-channel rule waivers. No person or entity may have an interest in more than one LPFM station or in an LPFM and any other broadcast medium anywhere in the United States.

While there are benefits to simple rules, simplicity can also restrict options available to LPFM applicants and licensees. Since the demand for stations continues to

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not seem inclined to allow directional antennas without post-installation review by the FCC, as it does for LPTV stations.

The next proposal is to eliminate the rule requiring LPFM stations at the lower end of the FM band to protect Channel 6 TV stations, which operate in the 82-88 MHz band and thus are the equivalent of first-, second-, and third-adjacent channel to FM stations on 88.1, 88.3, and 88.5 MHz. The theory is that all full-power TV stations on Channel 6 are now digital, and digital TV receivers are much more immune from analog FM interference than analog receivers. But there are still many analog LPTV stations, including some that intend their audio signals to be picked up on FM radios; and the operators of those Channel 6 stations have pressured the FCC to allow them to provide an analog audio add-on component to a digital signal beyond the 2021 deadline when the current rules require the end of all analog LPTV operation. The FCC also does not mention potential interference going the other way, caused by Channel 6 LPTV stations to LPFM stations.

For existing LPFM stations seeking approval for transmitter site moves, the FCC proposes to allow two alternative tests – a limit of 5.6 km on moves or overlap of the authorized and proposed 60 dBu signal contours of the LPFM station. If it allows moves of more than 5.6 km, the FCC asks whether it should require stations to show that there is no available transmitter site within 5.6 km.

The LPFM rules liberally allow waivers of interference caused to second- and third-adjacent channel stations; but there is an exception where the third-adjacent station has a radio reading service on an analog subcarrier because a third-adjacent LPFM signal could prevent the public (primarily blind) persons from receiving the subcarrier signal component. The FCC has declined to relax that protection; nor is it willing to publish a list of radio reading service stations, because it does not have reliable information in its databases. It suggests that LPFM stations inquire directly of full-power stations that are the subject of waiver requests and also recommends looking at a list [here](#).

The FCC has been steadfast in limiting LPFM station ownership to one to a customer, hoping to ensure local ownership and management. Although the agency

is under heavy pressure to relax multiple ownership restrictions on full-power stations, it proposes only one change for LPFM. LPFM licensees may now hold licenses for up to two translators, which rebroadcast the parent signal on different channels. It proposes to allow boosters, which retransmit on the same channel, to substitute for translators; but the total limit for translators and boosters together would remain at two.

Comments on the NPRM will be due only 30 days after it is published in the Federal Register. We will post the deadline when publication occurs.

Finally, the FCC has declined to propose to relieve LPFM stations from Emergency Alert System (EAS) participation. LPFM stations are required only to receive emergency tests and alerts, which involves some expense and attention, but do not have to broadcast weekly or monthly tests; but the FCC feels that this level of participation is important. It seeks to encourage greater participation in national tests, because fewer than half of LPFM stations participated in the national test last year, even though participation was mandatory.

So what's next for on the RECNET ride? In a [rule-making petition](#) filed on July 8, 2019 (RM-11846), RECNET has asked the FCC to accept applications for new small noncommercial educational (NCE) FM stations, locally owned, with a maximum 250-watt power limit, in rural areas. Unlike LPFM stations, which are secondary, these new NCE stations would be primary spectrum users.

What's all this about? According to RECNET, rural areas have been deprived of locally-based informational services because of requirements to protect second- and third-adjacent channel stations in urban areas. Statutory and regulatory constraints make the establishment of new LPFM stations difficult or impossible. The new NCE class of station would have a

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decent amount of power and could be authorized based on more flexible engineering rules than apply to LPFM.

Engineering analysis of applications for these new stations would enjoy more liberal second- and third-adjacent channel interference restrictions, with RECNET claiming that the existing standards are unduly restrictive and out-of-date in light of improvements in FM receiver technology. Only communities with no existing commercial or noncommercial AM or FM service would be eligible, although the presence of an LPFM station would not be a barrier. The transmitter site would have to be located outside any county in a Nielsen top 50 radio market, and the 60 dBu signal could not penetrate any Census Bureau urbanized area. Applicants would have to show that a 100-watt station could not meet existing interference requirements and that the protected signal contour of an existing NCE station from an urbanized area covers the proposed new station transmitter site.

RECNET offers a 16-page list, with three columns to a page, of communities that it thinks would likely qualify for the new type of station it proposes.

Applicants would have to be locally owned, even more so than LPFM applicants. Instead of having either a headquarters or most of its board members living in the local area, applicants would have to meet both tests. The intent is to avoid such stations becoming “satellites” – meaning rebroadcast outlets, similar to translators that simply repeat programming from national sources.

Will this latest proposal get anywhere? Perhaps so. But there are other factors to consider. LPFM stations often struggle today because their coverage is small, their signals receive incoming interference, and they cannot earn revenue by selling commercials. Will the population in small communities be able to support RECNET’s proposed new stations with only donations and underwriting? Will rural listeners lose reception of city stations that provide statewide news and National Public Radio programming? In other words, will there be a significant demand for the new stations, and how long will they survive? While some LPFM stations have fallen by the wayside, others have thrived as sources of local innovative programming. Will the FM band suffer more degradation from a proliferation of signals that has led to complaints from existing stations trying to stay above water in a marketplace where the public relies more and more on streaming for audio content? You never know how things may work out in the end; but RECNET has put a 60-page long petition in front of the FCC, asking for more of the “citizen’s access” for which it advocates.

Preliminary comments on the RECNET petition were due August 26. The National Federation of Community Broadcasters, and LPFM Advocacy Group, and two individuals filed statements in support, with the LPFM Advocacy Group urging that LPFM stations be allowed to upgrade of a new NCE class is created. So far, we have not seen any strong opposition in the FCC’s docket file.

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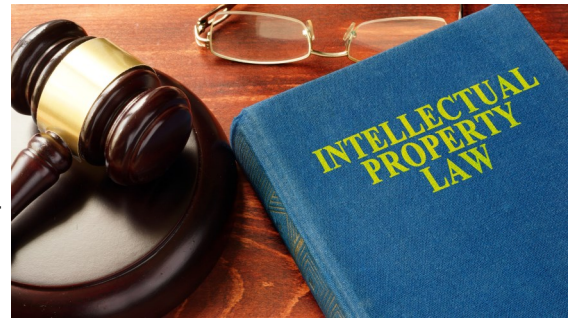
RMLC-GMR Interim License Version 6.0: The More Things Change, the More They Stay the Same

*By Kevin M. Goldberg and Karyn Ablin
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Commercial radio stations represented by the Radio Music License Committee (“RMLC”) should take note of yet another extension – through March 31, 2020 – of the interim license allowing those stations to play music in the repertoire of Global Music Rights (GMR) while the RMLC and GMR continue to duke out their music licensing differences in federal court. (If you are a noncommercial radio station or if you are represented in GMR negotiations by the National Religious Broadcasters Music License Committee, this post does not apply to you, and you should consult your counsel before signing any license extension sent to you by GMR.)

We have been following the ongoing fight between the RMLC and GMR [for the better part of three years now](#). This saga (and soon that term will be applied literally) began when, after failing to reach an agreement governing the public performance by RMLC-represented commercial radio stations of music in the GMR catalog, [the RMLC filed suit in the United States District Court for the Eastern District of Pennsylvania](#) alleging anti-competitive behavior by GMR. GMR filed its own lawsuit in the United States District Court for the Central District of California alleging anti-competitive behavior by the RMLC.

As the litigation was (and still is) pending, the parties agreed that some form of licensing was useful to avoid the threat of a thousand copyright infringement lawsuits. [That's why the RMLC and GMR agreed in January 2017 to a six-month interim license allowing RMLC-represented commercial radio stations to play GMR music](#). This first interim license covered the period January 1, 2017 through September 30, 2017. It was followed by four additional interim licenses of six months each (generally expiring either on March 31 or September 30). The terms have not changed with each successive interim license (which isn't surprising given that these interim licenses are subject to retroactive adjustment either by agreement or as a result of the RMLC-GMR litigation).



The fifth interim license will expire on September 30, 2019. Yet the underlying fight continues into the late rounds, and GMR may have landed a solid punch ([we promise this will be the only boxing metaphor in this post, as we pretty much KO'd that theme in February](#)). On March 29, 2019, the federal judge overseeing the RMLC's lawsuit against GMR in the U.S. District Court for the Eastern District of Pennsylvania found that it did not have personal jurisdiction over GMR, and it ordered that the case be transferred to the U.S. District Court for the Central District of California, which occurred on May 7, 2019. The court's transfer order jump-started the parties' parallel lawsuits, which had been stalled for some time while the jurisdictional and venue issues were being sorted out. On May 22, the RMLC's suit against GMR was assigned to the same judge handling GMR's suit, and on July 3, that judge lifted the stay that had frozen GMR's suit against the RMLC. While the parties now have [entered into voluntary dispute resolution](#), they apparently don't think things will wrap up soon enough to avoid the need for a further interim license extension, as evidenced by the press release issued by the RMLC on August 29, 2019 announcing that there will be a sixth interim license covering the period from October 1, 2019 through March 31, 2020.

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Once again, this interim license is being offered under the same terms and conditions as its predecessors. Therefore, we'll crib from earlier posts in highlighting key points:

- Stations currently performing musical works from the GMR catalog under an interim license should expect to be contacted by GMR by mid-September regarding an extension.
- Stations that have not been contacted by GMR by September 15, 2019, should proactively contact GMR – not the RMLC.
- Stations who do not have an interim license with GMR should contact an attorney to discuss this further.

You should check this space regularly for any developments on the RMLC-GMR licensing and litigation fronts.

And again, if you are a noncommercial radio station or if you are represented in GMR negotiations by the National Religious Broadcasters Music License Committee, this post does not apply to you, and you should consult your counsel before signing any license extension sent to you by GMR.

Welcoming Elizabeth Craig to Fletcher, Heald & Hildreth, P.L.C.

We are pleased to announce that Elizabeth Craig has joined the firm as an Associate. A recent law school graduate from American University's Washington College of Law, Elizabeth interned in the Federal Communications Commission's Wireless Telecommunications Bureau's Mobility Division.



Elizabeth brings with her well-rounded skills complemented with intellectual rigor. She received her B.A. from Butler University in actuarial science, so if you need to know the first 15 digits of pi ask her – she has them memorized. In between graduating college and attending law school, Elizabeth worked at a communications corporation in the legal department and assisted with matters of regulatory compliance. She helped with drafting proxy statements, contest rules, employment agreements, and license renewal applications.

Bourbon lovers can banter with Elizabeth; she wrote a paper on their international trademarks while attending law school. She also served as the Finance Coordinator for the Alternative Dispute Resolution Honor Society and as blog editor for the Intellectual Property Brief (so look out for her work, already on [CommLawBlog](#)).

"We are excited to add someone with Elizabeth's qualifications, abilities, and enthusiasm to our team," said co-managing member Kathleen Victory. "We are confident that she will make great contributions to the firm and to our clients, and we look forward to helping her grow her career as a telecommunications attorney."

Elizabeth sat for the District of Columbia bar examination in July 2019 (we wish her the best of luck as she awaits her results) and plans to take the Virginia bar in February 2020. She will be supervised by a licensed Virginia attorney until she is admitted to the Virginia Bar.

"I am delighted to be joining Fletcher, Heald & Hildreth and to continue working in the telecommunications field," said Elizabeth. "I am looking forward to getting in gear with the great team here at Fletcher Heald and to serving our clients."

Now Available: FCC License Renewal Webinar

On Tuesday, July 30th, Fletcher, Heald & Hildreth's Frank Montero and Dan Kirkpatrick presented a webinar on the FCC license renewal process to the Florida Association of Broadcasters. They covered many steps in the renewal process including the filing of the required FCC Forms for full power radio and translator stations using the new LMS filing system, and questions broadcasters might have on the numerous certifications included in those forms. The webinar also discussed the impact of the online public file (OPIF) on the review and processing of stations' renewal applications, some of the details relevant to the OPIF are expanded upon in our [webinar](#) from April, which we urge you to check out as well.

If you didn't catch the webinar live or just want to go over the presentation in more detail, you can download and print the presentation's PowerPoint slides [here](#). You may also watch the full video recording of the webinar on [YouTube](#). Of course, if you have any more questions about the license renewal process, please reach out to us at fhhwebinar@fhhlaw.com.

Upcoming FCC Broadcast and Telecom Deadlines for September – November

Broadcast Deadlines:

September 16, 2019

Children's TV Programming – Support for E/I Programs on Other Stations - Comments are due in response to the FCC's *Further Notice of Proposed Rulemaking (FNPRM)*, which seeks to further revise the children's television programming rules and policies to establish standards that would give broadcasters greater flexibility to meet their obligation to serve the educational and informational needs of children, at least in part, by supporting educational and informational programming aired on other stations in the market. This option has historically been available but, without standards, has not been useful to broadcasters.



September 20, 2019

EEO Rules and Enforcement – Comments are due with regard to the FCC's *NPRM* requesting comments on how to improve equal employment opportunity (EEO) compliance and enforcement.

September 23, 2019

EAS National Test - Participants' ETRS Form Three Due - All EAS participants must submit Form Three, which reports the results of the EAS national test held on August 7 by this date. If a station successfully received and passed the test, it must report from which source it first received the test, when it received the test, when it passed on the alert and other details of what was received. If the station did not receive the test properly, it will be asked to explain why it did not.

September 24, 2019

Annual Regulatory Fees – Annual regulatory fees will be due to the FCC no later than September 24, 2019. Fees will be due and payable for Fiscal Year 2019, and will be based upon a licensee's/permittee's current holdings as of the date the fee is paid and their licensed status as of October 1, 2018. The fees must be paid through the FCC's online Fee Filer, and once again this year, the FCC will not accept checks as payment of the fees but will require some form of electronic payment (credit card, ACH transfer, wire transfer, and the like). Please keep in mind that timely payment is critical, as late payment results in a 25 percent penalty, plus potential additional interest charges.

October 1, 2019

License Renewal Applications Due – Applications for renewal of license for radio stations located in Florida, Puerto Rico, and the Virgin Islands must be filed in the Commission's LMS. These applications must be accompanied by Schedule 396, the Broadcast EEO Program Report, also filed in LMS, regardless of the number of full-time employees.

Radio Post-Filing Announcements – Radio stations licensed in Florida, Puerto Rico, and the Virgin Islands must begin broadcasts of their post-filing announcements with regard to their license renewal applications on October 1. These announcements then must continue on October 16, November 1, November 16, December 1, and December 16. Once complete, a certification of broadcast, with a copy of the announcement's text, must be posted to the online public file within seven days.

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License Renewal Pre-Filing Announcements – Radio stations licensed in Alabama and Georgia must begin broadcasts of their pre-filing announcements with regard to their applications for renewal of the license. These announcements must be continued on October 16, November 1, and November 16.

EEO Public File Reports – All radio and television station employment units with five (5) or more full-time employees located in Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, the Mariana Islands, Missouri, Oregon, Puerto Rico, the Virgin Islands, and Washington must place EEO Public File Reports in their online public inspection files. For all stations with websites, the report must be posted there as well. Per announced FCC policy, the reporting period may end ten days before the report is due, and the reporting period for the next year will begin on the following day.

October 10, 2019

Children's Television Programming Reports - For the last time, all commercial television and Class A television stations must file electronically the third quarter 2019 children's television programming reports with the Commission. These reports then should be automatically included in the online public inspection file, but we would recommend checking, as the FCC bases its initial judgments of filing compliance on the contents and dates shown in the online public file. The Commission has changed the requirement to an annual filing, but that change is not effective until after the filing of the third quarter 2019 reports. Comments are due for OMB consideration of the new annual reports by October 7, 2019.

Commercial Compliance Certifications - For all commercial television and Class A television stations, a certification of compliance with the limits on commercials during programming for children ages 12 and under, or other evidence to substantiate compliance with those limits, must be uploaded to the online public inspection file. As with the children's TV programming report, the FCC has acted to change this filing requirement to be an annual rather than a quarterly obligation, but the effective date of the change must wait for OMB approval.

Website Compliance Information - Television and Class A television station licensees must upload and retain in their online public inspection files records sufficient to substantiate a certification of compliance with the restrictions on display of website addresses during programming directed to children ages 12 and under. Again, the effectiveness of the FCC action changing the filing requirement to specify annual rather than quarterly filing is awaiting OMB approval.

Issues/Programs Lists - For all commercial and noncommercial radio, television, and Class A television stations, a listing of each station's most significant treatment of community issues during the past quarter must be placed in the station's online public inspection file. The list should include a brief narrative describing the issues covered and the programs which provided the coverage, with information concerning the time, date, duration, and title of each program.

Class A Television Stations Continuing Eligibility Documentation – The Commission requires that all Class A Television Stations maintain in their online public inspection files documentation sufficient to demonstrate that the station is continuing to meet the eligibility requirements of broadcasting at least 18 hours per day and broadcasting an average of at least three hours per week of locally produced programming. While the Commission has given no guidance as to what this documentation must include or when it must be added to the public file, we believe that a quarterly certification which states that the station continues to broadcast at least 18 hours per day, that it broadcasts on average at least three hours per week of locally produced programming, and lists the titles of such locally produced programs should be sufficient.

October 15, 2019

Children's TV Programming – Support for E/I Programs on Other Stations - Reply comments are due in

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response to the FCC's *FNPRM*, which seeks to further revise the children's television programming rules and policies to establish standards that would give broadcasters greater flexibility to meet their obligation to serve the educational and informational needs of children, at least in part, by supporting educational and informational programming aired on other stations in the market. This option has historically been available but, without standards, has not been useful to broadcasters.

November 4, 2019

EEO Rules and Enforcement – Reply comments are due with regard to the FCC's *NPRM* requesting comments on how to improve EEO compliance and enforcement.

Telecom Deadlines:

September 1, 2019

FCC Form 477 – FCC Form 477 is filed online biannually on March 1 and September 1. The Commission collects a variety of information about broadband deployment and wireless and wired telephone service on Form 477. Broadly speaking, the following providers must fill Form 477: 1) facilities-based providers of broadband connections to end users, 2) providers of wired or fixed wireless local exchange telephone service, 3) providers of interconnected VoIP service; and 4) facilities-based providers of mobile telephony (mobile voice) services. If you have any questions about whether your company must file Form 477 or what information your company is required to submit in the filing, you should contact your telecommunications counsel.

September 24, 2019

Annual Regulatory Fees – Annual regulatory fees will be due by no later than September 24, 2019. Virtually all licensed service providers, including interstate telecommunications carriers (*e.g.* interexchange carriers (IXC), resellers, local exchange carriers (LEC), competitive local exchange carriers (CLEC), operator service providers (OSP), I-VoIPs, *etc.*) are subject to the fee. These will be due and payable for Fiscal Year 2019, and will be based upon a licensee's/permittee's holdings on October 1, 2018, plus anything that might have been purchased since then and less anything that might have been sold since then. The fees must be paid through the FCC's online Fee Filer, and once again this year, the FCC will not accept checks as payment of the fees but will require some form of electronic payment (credit card, ACH transfer, wire transfer, and the like). Please keep in mind that timely payment is critical, as late payment results in a 25 percent penalty, plus potential additional interest charges.

November 1, 2019

Quarterly Telecommunications Reporting Worksheet (FCC Form 499-Q) – FCC rules require telecommunications carriers and interconnected VOIP providers to file quarterly revenue statements reporting historical revenue for the prior quarter and projecting revenue for the next quarter. The projected revenue is used to calculate contributions to the Universal Service Fund (USF) for high cost, rural, insular and tribal areas as well as to support telecommunications services for schools, libraries, and rural health care providers. USF assessments are billed monthly.



FHH – On the Job, On the Go



On September 5, **Frank Montero** and **Dan Kirkpatrick** will be joined by FCC political broadcasting guru Bobby Baker in presenting a webinar to the Colorado Broadcasters Association on the FCC's political broadcasting rules.

From September 8-11, **Kevin M. Goldberg** will attend the News Leaders Association Convention in New Orleans, LA. He'll be presenting a session called "Coffee with Your Counsel" that is a general "live legal hotline" type format on Tuesday, September 10.

From September 24-27, **Scott Johnson**, **Dan Kirkpatrick**, **Mark Lipp**, **Steve Lovelady**, **Matt McCormick**, **Frank Montero**, and **Davina Sashkin** will attend the NAB Fall Radio Show in Dallas, TX. FHH will be sponsoring a "Cocktails, Hors d'oeuvres & Networking" reception with BIA on September 24 from 7-9pm.

From September 26-29, **Kevin M. Goldberg** will attend the Global Investigative Journalism Network Conference in Hamburg, Germany. He'll be presenting on access to information and participating in their media law clinic (on open question and answer session for attendees).

From September 30-October 1, **Kathleen Victory** and **Matt McCormick** will speak at the Calvary Chapel Radio Conference in Houston, TX.

From October 15-17, **Matt McCormick**, **Frank Montero**, and **Bob Winteringham** will attend the Public Radio Super Regional Conference in New Orleans, LA.