July 2018

Antenna™

An update on broadcasting law & issues from Donald E. Martin

Kidvid Rules Would Be Updated

The FCC has announced that it will consider a draft Notice of Proposed Rulemaking ("NPRM") in Docket 18-202 at its July open meeting that would include proposals to modernize the agency's rules governing children's television programming. The Commission says its intentions are to modify outdated requirements and give broadcasters greater flexibility in serving the educational and informational needs of children.

The Children's Television Act of 1990 ("CTA") directed the FCC to consider, in the course of reviewing license renewal applications for television stations, the extent to which the licensee "has served the educational and informational needs of children through its overall programming, including programming specifically designed to serve such needs." The Commission observes that since the adoption of rules to implement the CTA more than 20 years ago, there have been dramatic changes in the way that viewers, including children, watch television. Appointment viewing – i.e., watching the same program on the same channel at the same time every week – has declined while time-shifted viewing has risen.

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Filing Window for C-Band Earth Station Registrations Extended to October 17

The FCC's International Bureau has extended until October 17, 2018, the deadline for filing applications to register existing fixed-satellite service ("FSS") earth station downlinks operating in the 3.7-4.2 GHz band, commonly called the conventional C-Band. On April 19, 2018, the Bureau announced an immediate freeze on the filing of applications to register new or modified FSS receive-only C-Band earth stations. As a limited exception to the freeze, the Bureau opened a 90-day filing window for submitting applications for new or modified registrations for existing earth stations that were not already registered or licensed. This filing window was scheduled to close on July 17. However, the Bureau has extended it for another 90 days, until October 17,

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FCC To Address False EAS Alerts and Public Awareness

The agenda for the FCC's July open meeting includes consideration of issues concerning the Emergency Alert System ("EAS") in a draft Report and Order and Further Notice of Proposed Rulemaking in Docket 15-94.

In the draft Report and Order portion of this release, the Commission would amend its rules to permit broader use of EAS signals and tones for purposes of training and public education. Section 11.31 of the agency's rules sets forth the event header codes that are used for alerts in specific emergency situations and specific codes for each type of test that is conducted on the system. Section 11.45 prohibits the transmission of these event codes outside of actual emergencies or tests. The Commission says that it regularly receives requests for waivers of this prohibition (over 150 since 2009) for purposes of local EAS public awareness and proficiency training exercises.

In a January 2016 *Notice of Proposed Rulemaking* in this

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C-Band Use Would Be Intensified

A proposal to add a mobile service allocation to the 3.7-4.2 GHz band, often called the C-Band, is on the agenda for the FCC's July open meeting. The most significant use currently being made of this band is the downlinking for receive-only satellite earth stations in the Fixed Satellite Service ("FSS"). Many broadcasters receive program content from networks and other distributors via these satellite links.

The FCC (along with the National Telecommunications and Information Administration) has been directed by Congress in the MOBILE NOW Act to identify 255 megahertz of spectrum for mobile and fixed wireless broadband use. The Commission says that the 500 megahertz in this band is "ripe to meet our mandate." Therefore, the Commission will propose to add a mobile broadband service allocation to this band and solicit comment on how to clear all or part of this band for flexible use. The Commission describes this proposal as another step in its effort to close the digital divide by providing wireless broadband connectivity across the nation and to secure U.S. leadership in the next generation of wireless services, including 5G wireless, the Internet of Things, and other advanced spectrum-based services. These frequencies are in a range often called "mid-band" spectrum. The Commission observes that mid-band spectrum is well-suited for next generation wireless broadband services due to its favorable propagation characteristics and the opportunity for channel re-use. This proposal is put forward in a draft Notice of Proposed Rulemaking and Order in Docket 18-122.

The FSS currently shares this band with the Fixed Service ("FS"). For FS, 20-megahertz paired channels are assigned for point-to-point common carrier or private operational fixed microwave links. This band was the original long-haul common carrier microwave band that provided analog transcontinental network service for television and long-distance telephone circuits. However, FS activity in this band has dwindled substantially in recent decades. The Commission states that in 1988, there were over 39,000 FS licenses in this band. By 1997, the total number of licenses had dropped to approximately 13,000. Currently there are only 115 FS licenses in this band. The FS operators have migrated to fiber and/or other spectrum bands that offer more channelization options without the risk of interference disputes or the need for coordination with FSS earth stations. The reduced FS presence in this band is thus not a significant obstacle to the introduction of broadband services.

On the other hand, the FCC does not have firm data on how much FSS activity there is in this band. That is because receive-only earth stations have no transmitter and therefore do not require a license. The Commission has records for approximately 4,700 registered earth stations in this band. Some commenters have suggested that there may be thousands of unregistered earth stations. Earth station registration is not presently required, but the Commission is encouraging all earth station operators to register them during a special filing window that expires October 17. See the story on this topic on page 1. This will provide data to inform the Commission's decisions in this proceeding, and it will also earn protection for the earth station from whatever other services the Commission ultimately decides will share this band with the FSS.

To further refine its database, the Commission says in the Draft Notice that it will direct the International Bureau and the Wireless Telecommunications Bureau to collect additional data for all earth stations that are registered or that have filed applications to register as of October 17, 2018. The Bureaus would issue a subsequent public notice to provide instructions and scheduling for these filings. Authorized earth station operators will be required to provide the following information:

(1) earth station call sign or application file number;
(2) geographic location using NAD83 coordinates;
(3) licensee and contact information;
(4) antenna gain;
(5) azimuth and elevation gain pattern;
(6) antenna elevation angle;
(7) satellite(s) at which the earth station is directed;
(8) transponder number(s) and how often each transponder is used;
(9) antenna site elevation and height above ground;
(10) certification that the earth station was operational as of April 19, 2018; and
(11) contact information for the certifier.

The Commission will propose to terminate the registration or license for any earth station for which this information is not timely filed.

The Commission says that all earth stations registered (or for which registration applications have been filed) as of October 17, 2018, will be protected from interference from the new services that may be allocated to this band (but see below for possible changes to the coordination policy). This includes registrations requested in the current filing window without the normally required frequency coordination study for which the Commission has issued a blanket waiver. The point of those coordination studies was to resolve interference issues with FS operators. However, as noted above, there are only about 115 operating FS licenses in this band. Consequently the risk of interference is minimal.

In an effort to maximize the potential for more intensive use of the C-Band, the Commission will propose certain limitations on the FSS. First, the current temporary freeze on applications for new station registrations would become permanent. Second, registrations for any stations for which no report is filed in response to the Bureaus' future public notice (described above) to furnish operational data would be deleted. Third, for a constructed and operational earth station, any combination of frequency, azimuth and elevation listed in the registration that is unused for more than a certain period (such as 180 days) would be deleted from the registration. Currently, registered C-Band earth stations are generally coordinated and authorized to use the entire band across the full geostationary arc. The Commission proposes that earth stations would be protected only for frequencies, azimuths, elevation angles and other information on file with the agency.

Despite these proposed new restrictions on the FSS,

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Petitioner Seeks Extension of AM CPs with Cross-Service FM Translators

The FCC has received a Petition for Rulemaking from Romar Communications, Inc., proposing an amendment to Section 73.3598 of the Commission's rules to provide for the extension of an AM construction permit in connection with the pendency of an associated cross-service FM translator application. Romar's proposal is born of its own experience with a 30-year effort to bring a new AM station on line.

Romar's proposal concerns the holder of a construction permit for a new or modified AM station who also has a pending cross-service FM translator application for a new first-ever translator station designated to rebroadcast the AM station. With the tenuous conditions prevailing in the radio industry for AM stations, the AM permittee may find itself reluctant to proceed with construction of the AM station until it is certain it will also have the FM outlet. However, while the AM permit continues to run toward expiration, the FM translator application can be delayed for a variety of reasons in the processing line. In some cases, when the AM station remains unbuilt, the permit might actually expire prior to the grant of the translator application.

To resolve this conundrum, Romar proposes that the AM permittee be allowed a one-time optional opportunity to request an extension of the AM construction permit until the later of 18 months after the original expiration date of the AM permit or two years after the grant of the FM translator construction permit application.

The Commission has requested public comment on Romar's proposal in RM-11811. The due date for comments is July 26. Reply comments will be due August 10.

REC Networks Requests Relaxation of LPFM Rules

Low Power FM advocate REC Networks has filed a Petition for Rulemaking with the FCC to address various issues that it believes "had been precluding a more successful deployment of Low Power FM (LPFM) stations, especially in suburban and core urban areas." Highlights of the Petition include the following proposed amendments to the Commission's rules.

(1) Adopt a new Section 73.815 of the Commission's rules that would provide for a new table of reduced minimum distance separation criteria for LP-100 stations to protect full power stations. The proposed values would be those used for the former LP-10 class of stations, listed in the former Section 73.807(b) as it was in effect on January 4, 2011. Where necessary, contour overlap would be avoided with the use of a directional antenna.

(2) Increase the maximum effective radiated power for LPFM stations to 250 watts.

(3) Allow use of directional antennas by LPFM stations to protect (a) other stations under the new Section 73.815; (b) other LPFM stations; (c) channel 6 television stations; and to comply with international agreements.

(4) Redefine a minor change as any relocation in which the authorized and proposed 60 dbu contours overlap (rather than limited to a maximum of 5.6 kilometers).

(5) Authorize all construction permits for 36 months (rather than 18 months).

(6) Allow assignment of unbuilt construction permits after 18 months.

(7) Eliminate the three-year holding period for newly licensed stations.

The Commission has released a Public Notice inviting comments on REC Net's Petition in RM-11810. The deadline for filing comments is July 20. Reply comments may be filed until August 6.

LPTV Minor Change Application Filing Freeze Lifted

The FCC's Media Bureau has lifted the freeze on the filing of minor modification applications for low power television and television translator stations. The freeze was imposed to preserve channels in advance of the Special LPTV Displacement Window that closed on June 1.

Freezes remain in effect for displacement applications, applications for digital companion channels, and applications for new LPTV or translator stations and major changes to existing stations.

DEADLINE FOR FULL POWER AND CLASS A TV STATIONS TO RESOLVE CONFLICTS BETWEEN POST-INCENTIVE AUCTION APPLICATIONS

JULY 30, 2018

DEADLINE FOR APPLICATIONS TO REGISTER OR LICENSE EXISTING SATELLITE EARTH STATIONS IN 3.7-4.2 GHZ BAND

OCTOBER 17, 2018

DEADLINES TO WATCH

License Renewal, FCC Reports & Public Inspection Files

July 2, 2018 — Deadline for video programmers to file annual certification of compliance with the FCC's closed captioning rules. (Broadcast television stations are exempt from this requirement.)

July 10, 2018 — Deadline to place Issues/Programs List for previous quarter in public inspection file for all full service radio and television stations and Class A TV stations.

July 10, 2018 — Deadline to file quarterly Children's Television Programming Reports for all commercial full power and Class A television stations.

July 10, 2018 — Deadline to file quarterly Transition Progress Reports for television stations subject to modifications in the repack.

July 10, 2018 — Deadline for noncommercial stations to file quarterly report re third-party fundraising.

August 1, 2018 — Deadline to place EEO Public File Report in public inspection file and on station's Internet website for all nonexempt radio and television stations in **California, Illinois, North Carolina, South Carolina** and **Wisconsin**.

August 1, 2018 — Deadline to file EEO Broadcast Mid-term Report for all television stations in employment units with five or more full-time employees in **California**.

August 1, 2018 — Deadline for all broadcast licensees and permittees of stations in **California, Illinois, North Carolina, South Carolina** and **Wisconsin** to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).

Cut-Off Date for FM Booster Applications

The FCC has accepted for filing the applications for new FM booster stations as described below. The deadline for filing petitions to deny these applications are indicated. Informal objections may be filed any time prior to grant of the application.

COMMUNITY	PARENT STATION	CHANNEL	MHZ	FILING DEADLINE
Trinidad, CO	KCRT	223	92.5	Aug. 1

Cut-Off Date for AM and FM Applications to Change Community of License

The FCC has accepted for filing the AM and FM applications identified below proposing to change each station's community of license. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **July 10, 2018**. Informal objections may be filed anytime prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL/ FREQUENCY	
Granite City, IL	St. Louis, MO	WGNU(AM)	N/A	920
Bloomington, IN	Trafalgar, IN	WTTS	222	92.3
Morristown, IN	Greenfield, IN	WJCF-FM	201	88.1
Malvern, IA	Ralston, NE	KIMI	299	107.7
Greenwood, MS	Bolton, MS	WKXG(AM)	N/A	1550
Ralston, NE	Malvern, IA	KMLV	201	88.1
Elmira, NY	Ridgebury, PA	WCIH	212	90.3
Knoxville, TN	Maryville, TN	WKVL(AM)	N/A	850
Llano, TX	Granite Shoals, TX	KAJZ	293	106.5
Nephi, UT	Saratoga Springs, UT	KBJF	213	90.5
Ogden, UT	Tremonton, UT	KUAO	201	88.1
Shoshoni, WY	Casper, WY	KWWY	267	101.3
Shoshoni, WY	Sheridan, WY	KTWY	248	97.5

Paperwork Reduction Act Proceedings

The FCC is required under the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
Internet Protocol Delivered Video Programming with Closed Captioning	July 30
Applications for assignment and transfer of control of a broadcast station, Forms 314 and 315	Aug. 1
Broadcast EEO Program Report, Form 396	Aug. 13
Consumer complaint portal	Aug. 13
State EAS Plans	Aug. 17
Broadcast EEO policy, Section 73.2080	Aug. 27
Antenna structure registration application, Form 854	Sept. 4

DEADLINES TO WATCH

Deadlines for Comments in FCC and Other Proceedings

DOCKET	COMMENTS	REPLY COMMENTS
(All proceedings are before the FCC unless otherwise noted.)		
Petition for Rulemaking; RM-11810 Improving Low Power FM	July 20	Aug. 6
Petition for Rulemaking; RM-11811 Construction period for AM broadcast stations	July 26	Aug. 10
Docket 07-42; FNRPM Leased commercial access rules	July 30	Aug. 13
Docket 18-121; NPRM Posting of licenses	Aug. 1	Aug. 15
Docket 18-119; NPRM FM translator interference	Aug. 6	Sep. 5
U.S. Copyright Office Docket 2005-6; NPRM Copyright royalty reporting practices of cable systems	Oct. 4	Oct. 25
Docket 15-94: FNPRM Emergency Alert System	FR+30	FR+60
Docket 18-122; NPRM Flexible use of 3.7-4.2 GHz band	FR+60	FR+90
Docket 18-184; NOI FM Class C4	FR+30	FR+60
Docket 18-202; NPRM Children's Television Programming Rules	FR+60	FR+90

FR+N means the filing deadline is N days after publication notice of the proceeding in the Federal Register.

Lowest Unit Charge Schedule for 2018 Political Campaign Season

During the 45-day period prior to a primary election or party caucus and the 60-day period prior to the general election, commercial broadcast stations are prohibited from charging any legally qualified candidate for elective office (who does not waive his or her rights) more than the station's Lowest Unit Charge ("LUC") for advertising that promotes the candidate's campaign for office. Lowest-unit-charge periods are imminent in the following states.

STATE	ELECTION EVENT	DATE	LUC PERIOD
Alaska	State Primary	Aug. 21	July 7 - Aug. 21
Arizona	State Primary	Aug. 28	July 14 - Aug. 28
Connecticut	State Primary	Aug. 14	June 30 - Aug. 14
Delaware	State Primary	Sept. 6	July 23 - Sept. 6
Florida	State Primary	Aug. 28	July 14 - Aug. 28
Guam	Territory Primary	Aug. 25	July 11 - Aug. 25
Hawaii	State Primary	Aug. 11	July 27 - Aug. 11
Kansas	State Primary	Aug. 7	June 23 - Aug. 7
Massachusetts	State Primary	Sept. 18	Aug. 4 - Sept. 18
Michigan	State Primary	Aug. 7	June 23 - Aug. 7
Minnesota	State Primary	Aug. 14	June 30 - Aug. 14
Missouri	State Primary	Aug. 7	June 23 - Aug. 7
New Hampshire	State Primary	Sept. 11	Aug. 28 - Sept. 11
Rhode Island	State Primary	Sept. 12	Aug. 29 - Sept. 12
Tennessee	State Primary	Aug. 2	June 18 - Aug. 2
Vermont	State Primary	Aug. 14	June 30 - Aug. 14
Virgin Islands	Territory Primary	Aug. 4	June 20 - Aug. 4
Washington	State Primary	Aug. 7	June 23 - Aug. 7
Wisconsin	State Primary	Aug. 14	June 30 - Aug. 14
Wyoming	State Primary	Aug. 21	July 7 - Aug. 21

Rulemakings To Amend Post-Transition Digital TV Table of Allotments

The FCC is considering amendments proposed to the Post-Transition Digital TV Table of Allotments to add and/or delete the following channels. An asterisk (*) indicates that the channel is reserved for noncommercial use. The deadlines for filing comments and reply comments are shown.

COMMUNITY	PRESENT CHANNELS	PROPOSED CHANNELS	COMMENTS	REPLY COMMENTS
Block Island, RI	17#		July 13	July 30
Newport, RI		17#	July 13	July 30
Bridgeport, CT	42, 49*	49@	Aug. 6	Aug. 20
Stamford, CT		49*@	Aug. 6	Aug. 20

 # The station on this channel, WPXQ, shares the channel with WLWC, New Bedford, MA

@ This proposal includes channel sharing on channel 49 by WEDW and WZME.

Kidvid Rules Would Be Updated *continued from page 1*

The number of platforms providing children's programming has proliferated, including cable, over-the-top providers, and the Internet. Digital technology allows stations to broadcast multiple program streams simultaneously over the same 6-MHz band of spectrum. These changes lead the Commission to conclude that an update of its regulations is needed.

To help structure its analysis of CTA compliance, the Commission has developed the concept of "Core Programming" as an indicator of a station's compliance with the statute. Programs that meet the criteria for Core Programming will be deemed specifically designed to meet the needs of children. These criteria include:

(1) a significant purpose for the production of the program is to serve the educational and informational needs of children ages 16 and under;

(2) each episode is at least 30 minutes in length;

(3) the program is aired between 7:00 a.m. and 10:00 p.m.;

(4) the program is a regularly scheduled weekly program;

(5) the "E/I" symbol appears on the screen;

(6) listings for the program are published in a program guide; and

(7) the educational and informational objective and the target child audience are described in quarterly reports filed with the Commission.

To give broadcasters clarity about what the Commission expects of them, the agency has adopted two categories of processing guidelines that the Media Bureau staff will use in reviewing license renewal applications. Under Category A, a renewal applicant can demonstrate CTA compliance by meeting the minimum for the processing guideline safe harbor by broadcasting at least three hours per week of Core Programming (averaged over six months). Stations that multicast must increase the amount of Core Programming they air by at least one hour for each 28 hours of air time devoted to free video programming on the multicast stream(s). The Core Programming can appear on any stream as long as that stream enjoys carriage on multichannel video programming distributors ("MVPDs") comparable to that of the stream that triggered the requirement.

A rarely used option under Category B is for stations that do not meet the three-hour-per-week processing guideline but can otherwise show that they have aired a package of programming that is at least equivalent to the Category A regimen of three hours per week of Core Programming. If the Media Bureau staff cannot make a positive determination about whether a renewal applicant has met the requirements of the CTA within either Category A or B, the application is referred to the full Commission, where the applicant can demonstrate CTA compliance by relying on non-broadcast activities and/or efforts to produce or support children's programming on another station in the market.

In the draft NPRM, the Commission proposes various changes to the characteristics of Core Programming:

(1) A program would not need to be at least 30 minutes in length to qualify as Core Programming. However, if this requirement is eliminated, would it be necessary to identify and promote shorter program segments? Should programming be quantified in one-minute increments, or something else?

(2) The Commission seeks comment on the required scheduling time for broadcasting Core Programming. Is it necessary to restrict Core Programming to the hours of 7 a.m. to 10 p.m.? Would a different schedule be more desirable? Is a specific schedule even necessary?

(3) Programming would not need to be regularly scheduled on a weekly basis to count as Core Programming.

(4) The on-screen identifier "E/I" would no longer be required.

(5) The Commission invites comment on whether to retain or eliminate the requirement that broadcasters provide listing information about children's programming to program guide publishers.

(6) The requirement to file a report about children's programming each quarter would be reduced to an annual filing obligation. The Commission also invites comment on whether the report form should be abbreviated to be a simple certification that the station is in compliance, rather than a comprehensive listing of programs aired and/or nonbroadcast activities conducted.

The draft NPRM also investigates the merits of the current processing guidelines. The Category A guideline encourages a station to air at least three hours of children's programming each week, averaged over a six-month period. How has this affected the actual scheduling and airing of programming? An alternate guideline might be the broadcast of 156 hours of children's programming per calendar year. What other alternatives are feasible? Furthermore, if the proposed changes in the definition of Core Programming were adopted, would there be any need for the Category B processing guideline? Does the development since adoption of the CTA of so many new sources of children's video programming affect the First Amendment implications for these regulations?

The draft NPRM undertakes a reevaluation of the range of activities that a station can conduct to be CTA-compliant in lieu of broadcasting its own programming to meet the processing guidelines. The Commission proposes to allow the Media Bureau to act on applications that do not meet the processing guidelines instead of passing those cases up to the full Commission, as is the practice now.

In the draft NPRM, the Commission proposes to relax the Core Programming processing guideline for multicast stations. The aggregate amount of programming required by the guideline could be carried on any multicast stream(s) without regard to the stream's MVPD carriage status.

The Commission also invites comment on revising its policy about preemption of children's programming. The current practice requires that if a station preempts an episode of a core program for any reason other than to cover breaking news, the station must generally air the rescheduled program in a previously selected "second home" and provide on-air

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C-Band Use Would Be Intensified *continued from page 2*

the Commission acknowledges that co-channel sharing of frequencies between FSS and mobile broadband would be difficult due to, among other things, the weakness of the satellite signal traveling from such a distant source. Likewise, geographic separation of the two services would leave most large population centers unserved by the mobile broadband service. Therefore, the Commission suggests that the best course of action might be to allocate each service its own frequencies within this band, or to repurpose the entire band and discontinue FSS in this band altogether. The agency solicits comment on the methods for transitioning some or all of this spectrum from one group of users to another. One approach would be market based, in which individual FSS operators would sell their spectrum rights on a voluntary basis at market prices. Another system could employ one or more of a variety of auction mechanisms, such as an overlay auction, an incentive auction, or a capacity auction.

As indicated above, the Commission notes the decline of the conventional point-to-point FS in the C-Band and would propose to sunset that service in these frequencies. Nonetheless, the agency responds to a Petition for Rulemaking filed in June 2017 by the Broadband Access Coalition asking the Commission to facilitate the deployment of point-to-multipoint broadband FS in the 3.7-4.2 GHz band. The Commission says that such a service could offer the possibility for provision by multiple entities of last-mile fixed wireless broadband connectivity at gigabit or near-gigabit speeds. This service would be allocated to 160 megahertz at the higher end of the band on a primary basis. The Draft Notice includes a lengthy discussion of how this service could be developed and deployed, including how it could replace the FSS on these frequencies or interface with remaining FSS earth stations that might be grandfathered in place.

The Draft Notice indicates that comments would be due 60 after publication of the notice of this proceeding in the Federal Register. The due date for reply comments would be 90 days after that publication. As of this writing, the FCC has not yet acted on this item. Until the Commission votes on it, the draft is subject to further revision, deliberation or withdrawal.

Kidvid Rules Would Be Updated

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notice of the change in order for the rescheduled program to count toward the processing guideline. One proposed alternative would be to allow a station to broadcast a preempted program at any time on any over-the-air stream upon adequate notice to the audience. On the other hand, the agency asks whether this policy would remain necessary if the changes to the processing guidelines proposed in this NPRM are adopted.

The draft NPRM indicates that comments would be due 60 days after notice of the proceeding is published in the Federal Register. The due date for reply comments would be 90 days after that publication. As of this writing, the FCC has not yet acted on this NPRM. Until the Commission votes on it, the draft is subject to further revision, deliberation or withdrawal.

DEADLINE FOR COMMERCIAL TELEVISION STATIONS TO FILE CABLE COPYRIGHT ROYALTY CLAIMS WITH COPYRIGHT ROYALTY BOARD

JULY 31, 2018

Filing Window for C-Band Earth Station Registrations Extended to October 17 *continued from page 1*

in response to indications from numerous station operators that more time was needed. To be eligible for this filing window, an earth station must have been constructed and operational as of April 19, 2018.

The Bureau described filing options that could ease the process for owners of multiple stations. Operators with multiple receive-only antennas at a single address or geographic location may apply to register all of them with one application and pay only the single application filing fee of $435. Owners with multiple earth stations at multiple sites anywhere in the United States can register them with one group application. The filing fee for this type of application is $10,620.

The reason for the freeze is to preserve the current earth station environment of authorized stations in the 3.7-4.2 GHz band pending Commission action in its ongoing inquiry into the possibility of allocating terrestrial broadband services to this spectrum band as well. See the story on this topic on page 2.

Unregistered receive-only earth stations are permitted. However, without registration, the FCC will not know a station exists and will not be able to protect it from interference if and when another service shares this spectrum. To encourage station owners to register them, the Commission has waived the requirement that registration applications be accompanied by a study demonstrating frequency coordination with fixed service stations that also currently operate in this band. This will make the process considerably easier and less costly.

FCC To Address False EAS Alerts and Public Awareness *continued from page 1*

docket, the Commission proposed to allow EAS Participants, including broadcast stations, to conduct tests that include live header codes and the EAS Attention Signal under specific circumstances without the need for a waiver. The Commission says that the recent false ballistic missile alert in Hawaii demonstrates the need for streamlined testing procedures to promote greater proficiency in the use of EAS by alert initiators and EAS Participants. Consequently, the draft Report and Order would establish "Live Code Tests" as a separate category of alerting exercise that EAS Participants may undertake voluntarily. Such testing must include the following elements:

(1) advance notice to the public before the test that live event codes will be used, but that no emergency is occurring;

(2) a statement within the test message that the event is only a test;

(3) coordination of the test among EAS Participants, state and local emergency authorities, the State Emergency Communications Committee ("SECC") and first responder organizations; and

(4) public notification in widely accessible formats that the test is not a warning about an actual emergency.

The draft Report and Order would also adopt a new approach regarding the use of the EAS Attention Signal in PSAs for the purpose of educating the public about the EAS. The Commission believes that use of the Attention Signal in informational program content can enhance community awareness of EAS, especially among populations with limited English language skills. Until now any broadcast of the Attention Signal outside of a real emergency alert or a test has been prohibited. With the adoption of these rule amendments, broadcast stations and other EAS Participants will be permitted to use the Attention Signal in PSAs (including commercially sponsored announcements, infomercials and other programs) to raise public awareness about emergency alerting. The PSAs must be provided by a governmental or NGO source. This use is permitted only if the PSA does not mislead the audience and is accompanied by an explicit statement that the Attention Signal is being demonstrated for the purpose of educating the public about emergency alerts.

All EAS alerts begin with three consecutive audible short tonal bursts which are the EAS header codes. The header codes are followed by the eight-second, two-tone Attention Signal. Except for the Live Code Tests described above, the header codes are never allowed to be used in any event other than a real emergency alert or a test. Improperly used, they could trigger a false alert. Nonetheless, the public should be familiar with the sound of the header codes to understand their significance in a real alert. Therefore, the Federal Emergency Management Agency ("FEMA") has produced a simulation of the header code audio tones for the purpose of creating EAS PSAs. The FEMA-produced audio tones sound similar to the header codes in an actual alert, but they will not trigger the transmission of an actual alert by any EAS equipment that may be monitoring the station that broadcasts the PSA. Broadcasters will be allowed to use the FEMA-produced tones in educational PSAs with the same restrictions that apply to use of the Attention Signal. These tones may not be broadcast in any other programming or for any other purpose.

The Further Notice of Proposed Rulemaking portion of this item deals with the problem of false EAS alerts. In the 2016 *Notice of Proposed Rulemaking* in this docket, the Commission proposed requiring EAS Participants (including broadcasters) to report the issuance or retransmission of a false EAS message, or when their EAS equipment causes, contributes to, or participates in a lockout that adversely affects the public. The Commission says that the responses from commenters were mixed. The agency believes that a more complete record on this subject could and should be developed, especially now in the aftermath of the recent false alert episode in Hawaii, and it solicits new comments.

There presently is no formalized system for reporting false alerts. In the draft Further Notice, the Commission requests comment about whether there should be a dedicated mechanism for EAS Participants, other stakeholders and the public to report false alerts to the agency. If so, what form should it take, and/or should it be integrated into the Alert Reporting System? Should reporting false alerts be mandatory for EAS Participants? In the alternative, should the current system remain in effect, under which anyone can voluntarily report a false alert at any time through the FCC's 24-hour Operations Center? In either case, the FCC asks commenters to evaluate the process and to weigh the costs and benefits.

The Commission recently adopted requirements for SECCs to improve their state EAS Plans. However, the new policy did not mandate the adoption of systems for preventing or reporting false alerts. The draft Further Notice invites public comment on whether the Commission should require State EAS Plans to include procedures for preventing false alerts and mitigating their consequences.

The draft Further Notice indicates that comments in Docket 15-94 would be due 30 days after notice of the proceeding is published in the Federal Register. Reply comments would be due 60 days after that publication. As of this writing, the FCC has not yet acted on this item. Until the Commission adopts it, the draft is subject to further revision, deliberation or withdrawal.

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