

FM Auction Filing Window Set for January 29 to February 11

The FCC has announced that the filing window for short-form applications on Form 175 to participate in FM Auction 106 will open at noon Eastern Time on January 29, and close at 6:00 p.m. Eastern Time on February 11. The 130 construction permits identified in a new Public Notice (DA 19-1256) to be offered for sale are listed in the chart on page 7 of this publication, along with the minimum opening bid required for each of them. No changes have been made to the list of permits or the associated minimum opening bids as published for comment in an earlier Public Notice (DA 19-1027) last October.

The Form 175 short-form application is filed electronically online. It calls for information identifying the applicant and its authorized bidders, the permit(s) for which the applicant wishes to bid, and if a bidding credit is claimed, information to demonstrate eligibility for the credit. The applicant must certify that it is qualified to become a broadcast licensee. An applicant may submit only one short-form, but there is no limit on the number of permits on offer that can be designated in that application. An engineering exhibit need not be submitted with the short-form unless an applicant wants to propose a specific transmitter site. In that case, engineering for that site would be included with the application and that proposal will be protected while the application is pending. If there is only one qualified applicant for a permit, that applicant will be invited to submit a long-form application.

Where two or more short-form applications are filed for the same permit, the applicants will proceed to the bidding.

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Ownership Reports Due January 31

The licensees of all broadcast stations (except for low power FM and translator stations) must file ownership reports biennially. The report is to disclose the principals and business entity structure exactly as they exist on the snapshot date – October 1 of each odd-numbered year. Reports for all stations with data accurate as of October 1, 2019 are due to be filed by January 31, 2020.

Prior Ownership Rules Reinstated Amendments Required for Certain Pending Applications by January 21

The FCC's Media Bureau has released two Public Notices (DA 19-1304 and DA 19-1305) to promulgate procedures for filing new license renewal, assignment and transfer of control applications and amendments to pending applications needed in light of the recent U.S. Third Circuit Court of Appeals decision in *Prometheus Radio Project v. FCC*. In that ruling, the court vacated and remanded to the Commission several of the FCC's decisions, notably its 2017 *Order on Reconsideration* (FCC 17-156) in the combined 2010 and 2014 Quadrennial Regulatory Reviews of the broadcast ownership rules. The court issued its mandate in that proceeding on November 29, forcing the Media Bureau to issue an *Order* (DA 19-1303) reinstating the multiple ownership and cross-ownership rules as they had existed prior to the Commission's 2017 ruling. These include the Newspaper/Broadcast Cross-Ownership Rule, the Radio/Television Cross-Ownership Rule, the Local

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Cable Service Notifications Under Review

The FCC has adopted a *Notice of Proposed Rulemaking* (FCC 19-132) in Docket 19-347 to consider amending its rules about the notices that cable television systems are required to give to subscribers and local franchising authorities when channel line-ups are altered. Presently, the rules specify that notice must be given at least 30 days before the change becomes effective. This action comes in the context of a volatile video marketplace where retransmission consent and program carriage negotiations between television stations and cable systems frequently continue to the last minute before the expiration of existing agreements. Such conditions make compliance with the requirement to give 30-days advance notice problematic.

Sections 76.1601 and 76.1603 of the FCC's Rules require cable systems to notify their subscribers at least 30 days in advance of any changes in their channel line-ups. If carriage negotiations fail during the last 30 days of an existing agreement, it is impossible to give notice that far in advance. One suggestion for resolving this problem would obligate a cable system to notify its subscribers at the 30-day mark when the expiration of a carriage contract is approaching without an agreement in place for an extension, even if negotiations are taking place.

In a recent proceeding about a service notice change complaint, cable system operator Charter Communications urged the Commission not to adopt such a requirement. Charter asserted that mandating contingent notices near the end of a carriage agreement would confuse consumers and possibly disrupt fair bargaining between the cable operator and the broadcaster. Charter noted that the vast majority of negotiations end successfully, albeit sometimes at the very last instant. While negotiations in a few cases do fail to produce a new agreement, Charter contended that those results are not entirely within the control of the cable system operator. Charter asked the Commission to clarify that the 30-day advance notice requirement does not apply when a cable operator and a broadcaster or programmer remain in carriage negotiations during the final 30 days of the expiring carriage period. If the negotiations fail and the channel goes dark, the cable operator would be required to notify subscribers "as soon as possible."

The Commission seeks comment as to when and how cable systems provide notice now when these end-of-carriage situations arise. It asks about the impact on cable system practices and consumer reactions when there is a temporary extension of the carriage agreement while negotiations continue. The FCC also asks whether, in the alternative, giving notice nearer to the end of the existing contract period, such as a week or 48 hours in advance, while negotiations are still happening, would be beneficial to consumers. Although non-cable multichannel video programming distributors are not subject to Section 76.1603, the Commission wants to know what their practices are for notifying subscribers in these circumstances.

The Commission requests input on Charter's proposal, and on other ways that could make consumer notice more effective when carriage negotiations fail. Commenters are asked to define the phrase, "as soon as possible." Many consumers have alternate online access to programming aside from cable television service. The Commission invites commenters' reaction to the proposition that this access might altogether eliminate the need for notice from cable systems.

Section 632(c) of the Communications Act affords cable operators the flexibility to "provide notice of service and rate changes to subscribers using any reasonable written means . . ." The Commission solicits interpretation of the phrase "reasonable written means." It asks whether there are written means that would be reasonable in the context of a blackout due to failed negotiations that would not be reasonable in another context. Cable interests have suggested that they could use a "channel slate" on a blacked out channel to inform subscribers. The Commission invites comment on this practice, and on whether publishing notice in a newspaper would be a sufficiently prompt way to reach subscribers.

The Commission also proposes to amend Section 76.1603(c) to require cable systems to provide service and rate change notices to local franchising authorities only if required to do so by the authority.

Comments on these proposals in Docket 19-347 will be due by February 6. February 21 is the deadline for reply comments.

FM Filing Freeze in Effect During Auction 106 Filing Window

The FCC's Media Bureau has announced a total freeze on the filing of all FM minor modification applications during the Auction 106 filing window for short-form applications, January 29 to February 11. In its Public Notice (DA 19-1265), the Bureau explained that this freeze is necessary to allow Auction 106 applicants complete flexibility to propose specific transmitter sites in their short-form applications (if they wish to do so) without the concern of conflicting with contemporaneously filed minor modification applications by existing stations.

A more limited freeze is currently in effect for any FM

application or allotment petition that would have an impact on any Auction 106 construction permit. The freeze includes any (1) applications proposing to modify any allotment, (2) petitions and counterproposals that propose any change in channel, class, community, or reference coordinates for any listed allotment, and (3) applications, petitions and counterproposals that fail to fully protect any allotment in the auction. This freeze will terminate automatically the day after the deadline for winning Auction 106 applicants to file their long-form applications.

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Each applicant will be required to deposit a refundable upfront payment equal to the sum of the minimum opening bids for one or more of the permits listed on its short-form. The upfront payments must be deposited by 6:00 p.m. Eastern Time on March 20. For winning bidders, the upfront payments will be credited against the purchase price. The deposits will be refunded to non-winning applicants after the auction has concluded, provided they have not violated the auction rules.

The bidding will be conducted online and will commence on April 28. The Commission will operate Auction 106 in the simultaneous multiple-round format that has been used in other broadcast auctions. An eligible bidder may bid on any permit identified in its short-form in any round until the bidding has ceased for every permit.

An applicant's upfront payment will determine its initial maximum bidding eligibility as measured in bidding units. A bidding unit will be earned for each dollar of upfront payments on deposit. Each permit is assigned bidding units equal to the number of dollars needed for its minimum opening bid. Upfront payments are not attributed to specific construction permits. Rather, a bidder may place bids on any of the permits selected on its short-form application as long as the total number of bidding units associated with those permits does not exceed the bidder's current eligibility.

To ensure that the auction will close within a reasonable period of time, the Commission imposes an activity rule to encourage bidders to bid actively throughout the auction rather than wait until late in the process to bid. In each round, a bidder must bid or be the provisional winning bidder in the previous round on permits with bidding units totaling at least 80 percent of the bidder's current eligibility. At a later stage of the auction, this minimum bidding level will be increased to 95 percent of the bidder's current eligibility. Unless an activity rule waiver is used, failure to bid on permits with bidding units amounting to these minimum levels will result in a reduction of the bidder's eligibility to the number of bidding units represented by the permits on which it has current bids or is the provisional winning bidder. A bidder may invoke an activity rule waiver in a maximum of three rounds to avoid this reduction in eligibility. If a bidder fails to bid at the minimum eligibility level in a given round, the Commission will automatically waive the activity rule for it in that round if it has any of its three waivers remaining.

Discounts of the purchase price of winning bids are available to applicants that qualify for the new entrant bidding credit. The size of the credit depends on the number of ownership interests in other media of mass communications that are attributable to the applicant and its attributable interest holders. For the purpose of these calculations, media of mass communications include broadcast station licenses and construction permits, direct broadcast satellite transponders, daily newspapers, and cable television systems. If the bidder has no attributable ownership interest in any of these media, it is entitled to a 35 percent discount of its winning bid. An applicant with an attributable interest in no more than three other mass media can claim a 25 percent discount. However, no discount can be taken by an applicant who has an attributable

mass media interest the service area of which overlaps the principal community contour of the new station that would result from the purchased permit (assuming maximum facilities from the reference coordinates).

An entity that would otherwise be qualified to own and operate a noncommercial station may file a short-form application proposing to use the designated permit to construct a noncommercial station. However, if the same permit is proposed for commercial use by another short-form applicant, the noncommercial proposal will be dismissed. If there are multiple noncommercial proposals for the same permit and no commercial applicants, the conflict will be resolved using the noncommercial comparative selection procedures. On the other hand, nonprofit entities may file applications proposing commercial stations and participate in the bidding.

The FCC enforces strict rules that prohibit certain communications between parties who have applications pending in an auction. Section 1.2105 of the FCC's Rules provides that, subject to specified exceptions, after the deadline for filing a short-form application, all applicants for all permits in the auction are prohibited from (i) cooperating, collaborating, or communicating with each other in any manner regarding the substance of their own, or each other's, or any other applicant's bids or bidding strategies (including post-auction market structure), or (ii) discussing or negotiating settlement agreements, until after the down payment deadline. An applicant for purposes of this rule includes the officers and directors of the applicant, all controlling interests in the entity that filed the Form 175, as well as holders of 10 percent or greater ownership interest in the entity. An applicant is to take care that such communications with a third party are not thereby exposed to another applicant. An applicant may continue to communicate with another applicant pursuant to any pre-existing agreements, arrangements or understandings that are solely operational or that provide for transfer or assignment of licenses, provided that such arrangements are disclosed on the short-form application and do not relate to the permits in the auction or communicate bids, bidding strategies or post-auction market structure. Applicants have an affirmative obligation to report to the FCC in writing within five business days any communication to or received from another Auction 106 applicant that violates these restrictions.

Shortly after the bidding has closed, the Commission will issue a public notice to identify the winning bidders and set deadlines for payments and long-form applications. Within ten business days of the release of that public notice, each winning bidder must make a down payment by submitting sufficient funds to bring its total amount of money on deposit (including the upfront payment) to 20 percent of the net amount of its winning bid(s) (the gross bid amount less any applicable new entrant bidding credit). The balance of the net winning bid(s) will be due within ten business days of the down payment due date. The public notice will also set the date (approximately 30 days later) for winning bidders to file long-form applications, including complete engineering exhibits, on Form 2100, Schedule 301-FM. The long-form

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DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

January 1 & 16	Radio stations in Alabama and Georgia broadcast post-filing announcements regarding license renewal applications.	February 3	Deadline to file license renewal applications for radio stations in Arkansas, Louisiana and Mississippi .
January 1 & 16	Radio stations in Arkansas, Louisiana and Mississippi broadcast pre-filing announcements regarding license renewal applications.	February 3	Deadline for all broadcast licensees and permittees of stations in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, and Oklahoma 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).
January 10	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.	February 1 & 16	Radio stations in Alabama, Arkansas, Georgia, Louisiana and Mississippi broadcast post-filing announcements regarding license renewal applications.
January 10	Deadline to file quarterly Transition Progress Reports for television stations subject to modifications in the repack except for stations in Phase 8.	February 1 & 16	Radio stations in Indiana, Kentucky and Tennessee broadcast pre-filing announcements regarding license renewal applications.
January 10	Deadline for noncommercial stations to file quarterly report re third-party fundraising.	March 1 & 16	Radio stations in Arkansas, Louisiana and Mississippi broadcast post-filing announcements regarding license renewal applications.
January 21	Deadline to amend pending license renewal, assignment and transfer-of-control applications regarding reinstated cross-ownership and multiple-ownership rules.	March 1 & 16	Radio stations in Indiana, Kentucky and Tennessee broadcast pre-filing announcements regarding license renewal applications.
January 31	Deadline for all stations (except LPFM and translator stations) to file Biennial Ownership Report with snapshot date of October 1, 2019.	March 30	Deadline to file Children's Television Programming Reports for all commercial full power and Class A television stations for the period September 16 - December 31, 2019.
February 1	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 Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, and Oklahoma .		

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

The FCC has accepted for filing the 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 **January 21, 2020**. Informal objections may be filed anytime prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Apopka, FL	Fairview Shores, FL	WBZW(AM)	n/a	1520
Port St. Joe, FL	Youngstown, FL	WTKP	229C3	93.7
Metropolis, IL	Paducah, KY	WJLI	252C1	98.3
Cleveland, MS	Shaw, MS	New	226C3	93.1
Lewistown, MT	Harlowton, MT	KZLM	300A	107.9

**DEADLINE TO AMEND
DISPLACED RURAL LPTV APPLICATIONS
JANUARY 31, 2020**

**DEADLINE TO FILE
2019 BIENNIAL OWNERSHIP REPORTS
WITH OCTOBER 1, 2019, SNAPSHOT DATE
JANUARY 31, 2020**



DEADLINES TO WATCH



Deadlines for Comments in FCC and Other Proceedings

DOCKET	COMMENTS	REPLY COMMENTS
(All proceedings are before the FCC unless otherwise noted.)		
Docket 19-386; Public Notice (DA 19-1317) Request for Declaratory Ruling by Liberman Broadcasting re foreign ownership	Jan. 21	Feb. 5
Docket 03-185; Public Notice (DA 19-1231) Radio service on LPTV	Jan. 22	Feb. 6
Docket 19-310; NPRM (FCC 19-122) Duplication of programming on commonly owned radio stations	Jan. 22	Feb. 6
Docket 19-363; Public Notice (DA 19-1224) Petition for Reconsideration of political file orders		Jan. 28
Docket 19-347; NPRM (FCC 19-132) Cable service change notifications	Feb. 6	Feb. 21
Docket 11-154; Public Notice (DA 19-1152) Waiver of IP closed captioning requirement for Pluto TV	Feb. 21	Mar. 6
Federal Aviation Administration; NPRM Docket FAA-2019-1100; Notice No. 20-01 (84 FR 72438) Remote identification of unmanned aircraft systems	Mar. 2	N/A
Docket 19-311; NPRM (FCC 19-123) All-digital AM broadcasting	Mar. 9	Apr. 6
U.S. Copyright Office; NOI Docket 2019-7 (84 FR 66328) Status of online dissemination as "publication" for purposes of copyright registration	Mar. 19	Apr. 16
Docket 19-226; NPRM (FCC 19-126) Human exposure to radiofrequency electromagnetic fields	FR+30	FR+60
<i>FR+N means the filing deadline is N days after publication of notice of the proceeding in the Federal Register.</i>		

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
Significantly viewed signals, Section 76.54	Jan. 22
Satellite network stations and space stations, Part 25, Forms 312, 312-EZ, 312-R	Jan. 30
Deletion or repositioning of a broadcast signal on an MVPD, Section 76.1601	Feb. 3
Principal headend, Section 76.1607	Feb. 3
Initial must-carry notice, Section 76.1617	Feb. 3
Station log, Section 73.1820	Feb. 3
Broadcast license renewal application, Form 2100, Schedule 303-S	Feb. 7
Must-carry rules, Sections 76.56, 76.1614, 76.1620, 76.1709	Feb. 21
FM station license application, Form 2100, Schedule 302-FM	Feb. 21

TELEVISION REPACK

STATIONS ASSIGNED TO PHASE 7

TESTING PERIOD BEGINS: **OCTOBER 19, 2019**
COMPLETION DEADLINE: **JANUARY 17, 2020**

STATIONS ASSIGNED TO PHASE 8

TESTING PERIOD BEGINS: **JANUARY 18, 2020**
COMPLETION DEADLINE: **MARCH 13, 2020**



DEADLINES TO WATCH



Lowest Unit Charge Schedule for 2020 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 restrictions are in effect now or soon will be in the following jurisdictions. Some of these dates may be subject to change.

JURISDICTION	ELECTION EVENT	DATE	LUC PERIOD
Alabama	State & Pres. Primaries	Mar. 3	Jan. 18 - Mar. 3
Alaska	Dem. Pres. Primary	Apr. 4	Feb. 19 - Apr. 4
American Samoa	Dem. Pres. Caucus	Mar. 3	Jan. 18 - Mar. 3
American Samoa	Rep. Pres. Caucus	Mar. 24	Feb. 8 - Mar. 24
Arizona	Dem. Pres. Primary	Mar. 17	Feb. 1 - Mar. 17
Arkansas	State & Pres. Primaries	Mar. 3	Jan. 18 - Mar. 3
California	State & Pres. Primaries	Mar. 3	Jan. 18 - Mar. 3
Colorado	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Connecticut	State & Pres. Primaries	Apr. 28	Mar. 14 - Apr. 28
Delaware	Presidential Primaries	Apr. 28	Mar. 14 - Apr. 28
Florida	Presidential Primaries	Mar. 17	Feb. 1 - Mar. 17
Georgia	Presidential Primaries	Mar. 24	Feb. 8 - Mar. 24
Guam	Rep. Pres. Caucus	Mar. 14	Jan. 29 - Mar. 14
Hawaii	Rep. Pres. Caucus	Mar. 10	Jan. 25 - Mar. 10
Hawaii	Dem. Pres. Primary	Apr. 4	Feb. 19 - Apr. 4
Idaho	Presidential Primaries	Mar. 10	Jan. 25 - Mar. 10
Illinois	State & Pres. Primaries	Mar. 17	Feb. 1 - Mar. 17
Iowa	Presidential Caucuses	Feb. 3	Dec. 20 - Feb. 3
Kentucky	Rep. Pres. Caucus	Mar. 21	Feb. 5 - Mar. 21
Louisiana	Presidential Primaries	Apr. 4	Feb. 19 - Apr. 4
Maine	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Maryland	State & Pres. Primaries	Apr. 28	Mar. 14 - Apr. 28
Massachusetts	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Michigan	Presidential Primaries	Mar. 10	Jan. 25 - Mar. 10
Minnesota	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Mississippi	State & Pres. Primaries	Mar. 10	Jan. 25 - Mar. 10
Missouri	Presidential Primaries	Mar. 10	Jan. 25 - Mar. 10
Nevada	Dem. Pres. Caucus	Feb. 22	Jan. 8 - Feb. 22
New Hampshire	Presidential Primaries	Feb. 11	Dec. 28 - Feb. 11
New York	Presidential Primaries	Apr. 28	Mar. 14 - Apr. 28
North Carolina	State & Pres. Primaries	Mar. 3	Jan. 18 - Mar. 3
North Dakota	Dem. Pres. Primary	Mar. 10	Jan. 25 - Mar. 10
Ohio	State & Pres. Primaries	Mar. 17	Feb. 1 - Mar. 17
Oklahoma	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Pennsylvania	State & Pres. Primaries	Apr. 28	Mar. 14 - Apr. 28
Puerto Rico	Dem. Pres. Primary	Mar. 29	Feb. 13 - Mar. 29
Puerto Rico	Rep. Pres. Primary	Mar. 8	Jan. 23 - Mar. 8
Rhode Island	Presidential Primaries	Apr. 28	Mar. 14 - Apr. 28
South Carolina	Dem. Pres. Primary	Feb. 29	Jan. 15 - Feb. 29
Tennessee	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Texas	State & Pres. Primaries	Mar. 3	Jan. 18 - Mar. 3
Utah	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Vermont	Presidential Primaries	Mar. 3	Jan. 18 - Mar. 3
Virgin Islands	Rep. Pres. Caucus	Mar. 12	Jan. 27 - Mar. 12
Virginia	Dem. Pres. Primary	Mar. 3	Jan. 18 - Mar. 3
Washington	Presidential Primaries	Mar. 10	Jan. 25 - Mar. 10
Wisconsin	State & Pres. Primaries	Apr. 7	Feb. 22 - Apr. 7
Wyoming	Dem. Pres. Caucus	Apr. 4	Feb. 19 - Apr. 4

FM Construction Permits Offered in Auction 106

COMMUNITY	CHANNEL	OPENING BID	COMMUNITY	CHANNEL	OPENING BID
Kotzebue, AK	280A	\$ 1,500	Sagaponack, NY	233A	\$ 45,000
Yakutat, AK	280A	750	Shelter Island, NY	277A	45,000
Camden, AL	230A	3,500	Westfield, NY	265A	25,000
Maplesville, AL	92A	10,000	Clayton, OK	262A	1,500
Thomaston, AL	280C3	15,000	Millerton, OK	265C2	10,000
Rison, AR	255A	7,500	Wayne, OK	266A	20,000
Desert Hills, AZ	292A	25,000	Wright City, OK	295A	10,000
Ehrenberg, AZ	228C2	15,000	Boardman, OR	231C3	7,500
First Mesa, AZ	281C	15,000	Huntington, OR	228C1	45,000
Overgaard, AZ	234C1	20,000	Powers, OR	293C2	15,000
Salome, AZ	231A	1,500	Englewood, TN	250A	25,000
Sells, AZ	285A	1,500	Albany, TX	255A	1,500
Snowflake, AZ	259C2	25,000	Big Lake, TX	252C2	1,500
Tusayan, AZ	222C1	2,500	Big Lake, TX	281C1	60,000
Boonville, CA	300A	7,500	Bogata, TX	247A	20,000
Cartago, CA	233A	1,500	Canadian, TX	235C1	25,000
Coalinga, CA	247B1	45,000	Carrizo Springs, TX	228A	7,500
Cottonwood, CA	221A	35,000	Carrizo Springs, TX	295A	3,500
Earlimart, CA	228A	45,000	Centerville, TX	274A	2,500
Essex, CA	280B	750	Crystal Beach, TX	268A	1,500
Ft. Bragg, CA	253B1	10,000	Encino, TX	250A	2,500
Ludlow, CA	261B1	1,500	Fort Stockton, TX	263C	15,000
Randsburg, CA	275A	1,500	Groom, TX	273A	1,500
Sacramento, CA	300B	100,000	Hale Center, TX	236C1	20,000
Battlement Mesa, CO	275C3	75,000	Junction, TX	277C3	1,500
Dotsero, CO	261A	25,000	Lockney, TX	271C	7,500
Eckley, CO	257C1	7,500	Lovelady, TX	288A	7,500
Hugo, CO	222A	1,500	Milano, TX	274A	7,500
Stratton, CO	246C1	7,500	Mount Enterprise, TX	279A	10,000
Cross City, FL	249C3	20,000	Mullins, TX	277A	5,000
Fort Walton Beach, FL	295A	60,000	Olney, TX	282A	3,500
Pembroke, GA	257C1	75,000	Paint Rock, TX	296C3	2,500
Haynesville, LA	286A	3,500	Premont, TX	264C3	10,000
Oil City, LA	285A	15,000	Richland Springs, TX	235A	1,500
Dunkerton, IA	280A	60,000	Rising Star, TX	290C3	5,000
Rockford, IA	225A	25,000	Roscoe, TX	228A	10,000
Abingdon, IL	291A	25,000	Rule, TX	253A	1,500
Carney, MI	260A	5,000	Sanger, TX	281C3	75,000
Custer, MI	260A	7,500	San Isidro, TX	255A	750
Houghton, MI	242C1	25,000	San Isidro, TX	278A	750
Lake Isabella, MI	255A	45,000	Teague, TX	237C3	10,000
Onkama, MI	227C3	20,000	Trinity, TX	251A	10,000
Pigeon, MI	267A	10,000	Wellington, TX	253C3	3,500
Grand Marais, MN	245C3	1,500	Wells, TX	254A	10,000
Maryville, MO	285C3	15,000	Huntington, UT	287C3	10,000
Bruce, MS	233A	10,000	Paragonah, UT	258A	10,000
McLain, MS	245A	10,000	Hardwick, VT	290A	10,000
New Albany, MS	268A	25,000	West Rutland, VT	298A	25,000
New Augustus, MS	269A	45,000	Coupeville, WA	266A	25,000
Valier, MT	289C1	10,000	Kahlotus, WA	283A	2,500
Bayard, NE	251A	15,000	Raymond, WA	300A	7,500
Gackle, ND	256C1	15,000	Trout Lake, WA	236A	10,000
Groveton, NH	268A	10,000	Crandon, WI	276A	1,500
Jefferson, NH	247A	10,000	Tomahawk, WI	265C3	10,000
Stratford, NH	254A	10,000	Albin, WY	282C3	2,500
Animas, NM	279C1	2,500	Cora, WY	274C2	3,500
Chama, NM	241C3	2,500	Lusk, WY	242A	750
Des Moines, NM	287C	10,000	Manville, WY	255C1	5,000
Lovington, NM	269C3	25,000	Marbleton, WY	257C1	3,500
Skyline-Ganipa, NM	240A	10,000	Meeteetse, WY	259C	10,000
Caliente, NV	264A	1,500	Medicine Bow, WY	259C3	750
Tonopah, NV	224A	1,500	Rawlins, WY	298C2	5,000
Keeseville, NY	231A	75,000	Rozet, WY	256C3	20,000
Livingstone Manor, NY	296A	25,000	Wamsutter, WY	285A	750
Narrowsburg, NY	275A	40,000	Wheatland, WY	293A	3,500

Multiple-Ownership and Cross-Ownership Rules Reinstated continued from page 1

Television Ownership Rule, the Local Radio Ownership Rule, and the Television Joint Sales Agreement Attribution Rule.

Between the time when the Commission's 2017 deregulation decision became effective and the court's late 2019 ruling vacating that decision, broadcast licensees and applicants may have conducted transactions that were rule-compliant during that interval, but that have now come into conflict with the reinstated regulations. Certifying compliance with original rules and/or reporting violations are now required for certain new and pending applications.

Effective immediately, every commercial license renewal applicant must report any violation of the Newspaper/Broadcast or Radio/Television Cross-Ownership rules in the reinstated Section 73.3555 of the Commission's rules. Until the Media Bureau is able to modify the license renewal application form, the applicant must use the "FCC Violation during the Preceding License Term" question in the "Renewal Certification" section of the form to report any violations of the reinstated Section 73.3555. If there are violations to report, even those resulting from transactions that the Commission has approved, the applicant must answer "NO" to that item (i.e., it cannot certify that there have been no violations), and include an explanatory exhibit. The applicant can respond to this question with a "YES" if there has been no violation.

Every applicant with a pending commercial license renewal application must amend its application. If it has a previously unreported Section 73.3555 violation to report, including those arising from transactions approved by the Commission, it must add an exhibit to its application to address and explain the situation. Applicants who have no such violations to report must amend their applications with an exhibit that states as follows:

The station licensee (and each party with an attributable interest in the licensee) hereby certifies it is in compliance with the Newspaper/Broadcast and Radio/Television Cross-Ownership rules in revised 47 CFR §73.3555.

The deadline to file these amendments is January 21. The Bureau will not process any pending license renewal application until it has been amended in this manner.

Effective immediately, every applicant filing an assignment application on Form 314 or a transfer of control application on Form 315 must take into account the media ownership rules now in effect after the court's decision. Until the Media Bureau is able to modify the existing forms, applicants are to rely on the existing provision in each form that requires the applicant to certify that it "complies with the Commission's multiple ownership rules." The Bureau emphasized in its Public Notice that this certification is intended to cover all of the rules set forth in Section 73.3555, including the "eight voices" test and the prohibition on top-four combinations in the local television rule; radio/television cross-ownership rules; newspaper/broadcast cross-ownership rules; and attribution of joint sales agreements.

All assignment and transfer of control applications involving commercial stations filed prior to the release of the Public Notice on December 20, must also be amended. Each assignee or transferee must file an amendment with an exhibit certifying whether it complies with the Commission's multiple ownership rules in effect after the *Prometheus* decision. To the extent that the assignee or transferee cannot certify compliance, it must submit an explanation with all necessary showings. These amendments are to be filed by January 21. The Bureau states that it will not act on such applications until this amendment is filed.

The Bureau included a footnote in each Public Notice to state the following:

Nothing in this Public Notice shall be construed to affect the right of the Commission or any other party to the *Prometheus* litigations to seek further review of the Third Circuit's decision in the U.S. Supreme Court, or to limit the Commission's discretion in the event that the Supreme Court were to take further action in that litigation.

FM Auction Filing Window Set for January 29 to February 11 continued from page 3

application must be accompanied by a filing fee of \$3,975. Upon grant of the long-form application, the applicant will receive a standard three-year construction permit.

A winning bidder that defaults or is disqualified after the close of the auction will be liable for a default payment. The default payment is the sum of: (1) the difference between the Auction 106 bidder's winning bid and the winning bid the next time the permit is won in an auction, and (2) 20 percent of the lesser of the defaulter's winning bid or the subsequent winning bid. A default would occur if a winning bidder fails

to make timely payments of the winning bid purchase price or fails to timely file the long-form application.

The FCC will present an online tutorial with more detailed information for prospective applicants. The tutorial will be available on demand by January 22 at the "Education" tab on the Auction 106 website at www.fcc.gov/auction106. The Commission will also conduct a mock auction for all qualified bidders on April 24. Bidders can use this opportunity to become familiar with the auction process. More details will be forthcoming in a future public notice.

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