

Public Notices About Applications Streamlined

The FCC has streamlined Section 73.3580 of its rules which governs public notice that broadcast applicants are required to provide about their FCC applications. These rule amendments were adopted by the Commission in a *Report and Order* (FCC 20-65) in Docket 17-264. Applications subject to these rules include any broadcast application for a new station, a major modification of facilities, an assignment or transfer of control, renewal of a license, and a minor modification involving a change in the community of license.

The most notable change in the regulations is the migration of notices formerly required to be published in local newspapers to being posted online. The FCC has typically required commercial broadcast applicants to publish a notice in a local newspaper, and if the station is on the air, also to broadcast an announcement pursuant to a specific schedule following the filing of the application. Noncommercial broadcast applicants, including low power FM applicants, have generally only been required to broadcast their notices. They needed to publish the notices in a newspaper only if the subject station was not on the air.

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Lump Sum Payments Proposed for Earth Station Relocation

Earlier this year in a *Report and Order and Order of Proposed Modification* (FCC 20-22) in Docket 18-122, the FCC adopted a plan to reallocate the lower 300 megahertz of spectrum used for satellite downlinks in the 3.7-4.2 GHz band, commonly called the C-Band, away from the fixed satellite service ("FSS") to 5G services. Satellite space stations and earth stations using the frequencies from 3.7 to 4.0 GHz are required to relocate to the 4.0-4.2 GHz band. Many broadcasters operate satellite earth stations in the affected band. The costs incurred to relocate these stations to the alternate frequencies will be reimbursed to station operators from the proceeds expected from the auction of this spectrum to prospective 5G service providers.

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Higher Regulatory Fees Proposed for FY 2020

Regulatory fees proposed to be collected from entities regulated by the FCC for the fiscal year ending September 30, 2020, are set out in a *Notice of Proposed Rulemaking* (FCC 20-64) in Docket 20-105. The total amount that Congress has directed the FCC to collect this year is \$339 million. Most of the proposed fees associated with broadcast authorizations are higher than those actually imposed last year. Regulatory fees are intended to offset the cost of operating the FCC. Accordingly, the Commission's well-established policy is to allocate the responsibility for paying fees among the regulatees served by each bureau and office pro rata to the staff time expended by the respective bureau or office. Using this formula, the FCC projects that \$126.45 million, or 37.7 percent of the total amount to be raised, should be paid by entities served by the Media Bureau, which include broadcasters.

At the Bureau level, groups of authorizations are further divided into subgroups associated with specific staff services and allocated a share of the fees to be collected, again on a pro rata basis to the related staff time. Within the category for full

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LPTV Settlement Window Open Until July 31

The FCC's Media Bureau has released a *Public Notice* (DA 20-576) announcing a settlement window for 21 groups of mutually exclusive applications for new and modified digital low power television and television translator stations. These mutually exclusive groups include 47 applications filed in 2009 and a group of two digital displacement applications filed in 2018.

These applications are subject to the FCC's competitive bidding procedures, which prohibit certain communications between competing applicants. That restriction is waived during this settlement window from June 1 through July 31, allowing applicants to negotiate settlements.

Conflicts can be resolved by way of engineering amendments (either unilateral or by agreement) or settlement agreements pursuant to which one or more application is dismissed. A dismissing applicant may be compensated for its dismissal, but not in excess of its legitimate and prudent

expenses incurred in preparing and prosecuting the application.

Engineering amendments must be minor change amendments. A conflict may also be resolved with an agreement to share a channel. In that case, the sharee applicant must amend its application to relocate with the host station's facilities. Applicants who are unable to resolve their mutual exclusivity through a minor engineering amendment may, as part of their engineering settlement, propose to move to a different available channel. No engineering amendment will be accepted if it creates a new conflict with another pending application or existing authorization.

All engineering settlement agreements, including the documentation required by Section 73.3525 of the FCC's rules, must be filed as amendments to each party's application by the close of the window on July 31. All settlements are subject to approval by the FCC. Applicants in groups that fail to resolve their conflicts will proceed to auction.

LPTV Stations Must Exit 600 MHz Band by July 13

LPTV and TV translator stations still transmitting on channels in the 600 MHz guard band and duplex gap must cease operating on those channels by 11:59 p.m. local time on July 13, 2020. These are channels 38, 44, 45 and 46. In accord with the procedures of the FCC's Incentive Auction, spectrum that included television channels 38 through 51 was reallocated away from television broadcasting. The entire station migration process is to end by July 13. The few LPTV stations on the

channels in the guard band and the duplex gap are the last to transition out of the 600 MHz band.

Stations with construction permits to relocate in the core channels, 2-36, may move to those channels as soon as their facilities are ready. If the new facilities are not ready by July 13, the station must go silent until the core channel facilities are operational. Licensees who do not have a construction permit in the core channels may apply for one.

DTS Enhancement Considered

The FCC is considering amendments to Section 73.626 of its rules concerning distributed transmission systems ("DTS"), also called single frequency networks, in a *Notice of Proposed Rulemaking* (FCC 20-43) in Docket 20-74. This action comes in response to a Petition for Rulemaking filed jointly by America's Public Television Stations and the National Association of Broadcasters.

DTS facilities are used to enhance service throughout a parent digital television station's service area, especially near the edge of the coverage area. They operate on the same frequency as the parent station. They can help overcome terrain barriers, improve mobile reception and foster more efficient use of spectrum by reducing the need for translators on different channels. The petitioners suggested that DTS may be especially useful in deploying the next generation broadcast television standard, commonly known as ATSC 3.0.

Under the current rules, the noise-limited service contour ("NLSC") of a DTS transmitter may not extend beyond either (1) the NLSC of the parent station, or (2) an area around that parent facility with a radius that depends on the station's band and location. When operating near the edge of the reference station's contour, some "spillover" of the signal beyond that contour may occur. Presently, only incidental de minimis

spillover is permitted. The petitioners proposed to modify the standard for permissible spillover so that it would be allowed outside of the parent station's NLSC to the extent needed to "achieve a practical design." That is, so that the combined coverage from all of the DTS transmitters covers all of the parent station's authorized service area. The UHF DTS transmitter's 36 dBu F(50, 10) "interference" contour would not be permitted to exceed the reference station's 36 dBu F(50, 10) contour.

The FCC requests public comment on a range of technical questions presented by this proposal. A prime issue is the effect an increase in DTS power might have on nearby co-channel and adjacent channel Class A, LPTV and TV translator stations, and on white-space spectrum users. The Commission wants to know the costs and benefits of implementing this proposal, including its impact on spectrum efficiency. The FCC asks how many people would receive improved service, and for how many there might be degraded service. Comments are requested on the current and reasonably foreseeable future state of DTS deployment of ATSC 3.0.

Comments on these and related technical issues are due to be filed with the FCC by June 12. Reply comments must be submitted by June 29.

Sinclair Settles Investigations with Consent Decree

By a straight party-line 3-2 vote, the FCC has approved an *Order* (FCC 20-59) adopting a *Consent Decree* in which Sinclair Broadcast Group agreed to pay a civil penalty of \$48 million and implement a four-year compliance plan in exchange for the termination of investigations concerning allegations of various rule violations.

One of the investigations arose from Sinclair's effort to acquire Tribune Media Group. To comply with the FCC's multiple-ownership rules, that transaction necessarily involved divesting three television stations to unaffiliated independent parties. Allegations were made that the proposed purchasers of those stations were not actually independent and that Sinclair was the real party-in-interest behind them. That led the applications for consent to those transactions to be designated for a hearing before an administrative law judge in 2018. Rather than pursuing the hearing, the parties terminated the transaction and dismissed the applications. The judge terminated the hearing as moot. However, she explicitly left unresolved the issue of whether Sinclair had engaged in misrepresentation and/or lack of candor, observing that it could be litigated in the context of a future licensing proceeding.

The Commission states that subsequent to the hearing designation, Sinclair provided additional information regarding its relationship to the proposed purchasers of the stations to be divested. Upon review of this information (which was not publicly disclosed), the Commission found that Sinclair had structured its transaction based upon a good faith interpretation of the rule and precedent regarding sharing agreements and the requirements for disclosure in the application. The Commission concluded that Sinclair therefore believed it was unnecessary to disclose information in the applications about its relationships with those parties, and that there is no substantial and material question fact as to whether a character qualifying issue arises from the applications designated for a hearing.

Section 1.65 of the FCC's rules requires applicants to ensure that all information in a pending application is accurate and complete. An element of the investigation concerned a possible violation of this rule given the allegations about Sinclair being a real party-in-interest to the proposed purchasers. The Commission ruled that it need not make a decision on this issue given "the terms set forth in the *Consent Decree*." Sinclair agreed to make Section 1.65 compliance a part of the compliance plan.

Sinclair has been operating under a compliance plan arising from a previous investigation into possible violations of the requirement to negotiate in good faith for carriage arrangements with multichannel video programming distributors. Jointly conducted or coordinated negotiations by unaffiliated stations in the same market for retransmission consent are prohibited. Sinclair was compelled under the prior compliance plan to report instances of noncompliance to the Commission. In that context, Sinclair informed the Media Bureau that it had access to certain retransmission consent agreements executed by stations owned by other parties. The

Commission did not make a finding about this incident, but included this issue in the new compliance plan.

In December 2017, the FCC issued a *Notice of Apparent Liability for Forfeiture* (FCC 17-171) against Sinclair and proposed a forfeiture of \$13,376,200 in connection with allegations that some of its stations had broadcast programming sponsored by the Huntsman Cancer Institute and the Huntsman Cancer Foundation without required identification of the sponsor. Sinclair explained that there had been a failure to air the required disclosures due to miscommunications and inadvertent errors on the part of its personnel despite instructions from senior staff to include the identification announcements.

All of these matters have been consolidated into this settlement agreement. Sinclair has agreed to pay a civil penalty of \$48 million and to conduct a compliance plan over the next four years that includes the provisions typical of such plans – appointment of a compliance officer, development of compliance procedures, staff training, reporting and explaining incidents of noncompliance, and annual compliance reports. The compliance plan is to focus on compliance with the FCC's rules in these areas: (1) disclosure of all real parties-in-interest, (2) maintaining accuracy in pending applications pursuant to rule Section 1.65, (3) good faith negotiations for retransmission consent, and (4) sponsorship identification. Although the compliance plan is to cover all of these regulations, Sinclair does not admit to violating any of them except for the sponsorship identification rule.

The FCC agreed to terminate all of these investigations. In the absence of new material evidence, the Commission will not use the facts developed in these investigations or the existence of the *Consent Decree* to institute on its own motion, or in response to any petition to deny, complaint, or other third-party objection, any new proceeding against Sinclair concerning these matters, or to set for hearing the question of Sinclair's basic qualifications to be a licensee.

This proceeding and the outcome were notably controversial. Four of the five Commissioners issued separate statements reflecting the tenor of the debate. In a Concurring Statement, Commissioner Carr noted that "there are some political actors . . . that have long and repeatedly called for the FCC to go after Sinclair based on those politicians' disagreement with the viewpoints expressed in Sinclair's broadcasts. We don't do that at the FCC – or at least the majority of us do not do that. We reach our decisions based on the facts and the law."

On the other hand, Commissioner Rosenworcel observed in her Dissenting Statement that Section 1.93(b) of the Commission's rules provides that consent orders "may not be negotiated with respect to matters which involve a party's basic statutory qualifications to hold a license." She opined that in this case, the FCC "addresses material misrepresentations behind closed doors and then summarily dismisses them in a consent decree. Doing so is a clear end run around this rule. Why are we violating our own rules to assist this company with the termination of an investigation? This consent decree offers no explanation."



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

June 1	Deadline to file license renewal applications for radio stations in Michigan and Ohio , and television stations in the District of Columbia , Maryland , Virginia , and West Virginia .	July 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been waived for radio stations in Illinois and Wisconsin and television stations in North Carolina and South Carolina .
June 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 Arizona , the District of Columbia , Idaho , Maryland , Michigan , Nevada , New Mexico , Ohio , Virginia , Utah , West Virginia , and Wyoming .	July 10	Deadline to place Issues/Programs List for first and second quarters of 2020 in Public Inspection File for all full service radio and television stations and Class A TV stations.
June 1	Deadline for all broadcast licensees and permittees of stations in Arizona , the District of Columbia , Idaho , Maryland , Michigan , Nevada , New Mexico , Ohio , Virginia , Utah , West Virginia , and Wyoming 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).	July 10	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.
June 1 & 16	Radio stations in Indiana , Kentucky , Michigan , Ohio , and Tennessee and television stations in the District of Columbia , Maryland , Virginia , and West Virginia broadcast post-filing announcements regarding license renewal applications.	July 10	Deadline for noncommercial stations to file quarterly report re third-party fundraising.
June 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been waived for radio stations in Illinois and Wisconsin and television stations in North Carolina and South Carolina .	July 10	Deadline to file quarterly Transition Progress Reports for television stations that have not completed repack modifications.
July 1 & 16	Radio stations in Michigan and Ohio , and television stations in the District of Columbia , Maryland , Virginia , and West Virginia broadcast post-filing announcements regarding license renewal applications.	August 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 California , Illinois , North Carolina , South Carolina , and Wisconsin .
		August 3	Deadline to file license renewal applications for radio stations in Illinois and Wisconsin , and television stations in North Carolina and South Carolina .
		August 3	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).

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
Application for experimental radio authorization, Form 442	June 15
Repack transition progress report, Form 2100, Schedule 387	June 15
Ancillary/Supplemental Services Report for digital television stations, Form 2100, Schedule G; Section 73.624(g)	June 29
Remittance Advice Form, Form 159	June 29
3.7 GHz band relocation payment clearinghouse	July 17
Application for experimental radio station, Form 405	July 17



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 20-105; NPRM (FCC 20-64) Regulatory fees	June 12	June 29
Docket 20-74; NPRM (FCC 20-43) Distributive transmission systems and NextGen TV	June 12	July 13
Docket 20-73; NPRM (FCC 20-41) Significantly viewed stations		June 15
U.S. Copyright Office; NOI Docket 2019-7 (84 FR 66328) Status of online dissemination as "publication" for purposes of copyright registration		June 15
Docket 18-122; Public Notice Lump sum payments for earth station relocation expenses	June 16	N/A
Docket 19-226; NPRM (FCC 19-126) Human exposure to radiofrequency electromagnetic fields	June 17	July 20
Docket 16-155; Public Notice (DA 20-452) Executive Branch review of applications for foreign ownership	June 18	July 2
Docket 11-43; NPRM (FCC 20-55) Video description	June 22	July 6
Docket 18-295; FNPRM (FCC 20-51) Unlicensed use of 6 GHz band	June 29	July 27

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 the community of license for each station. 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 **August 7, 2020**. Informal objections may be filed any time prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Bentonville-Bella, AR	Gentry, AR	KREB(AM)	n/a	1190
Rogers, AR	Decatur, AR	KFFK(AM)	n/a	1390
Dove Creek, CO	Navajo Mountain, UT	KDVK	278	103.5
Clayton, GA	Toccoa, GA	WRBN	239	95.7
Geneva, IL	Somonauk, IL	WSPY(AM)	n/a	1480
Dannemora, NY	Plattsburgh West, NY	WPLA	296	107.1
Plattsburgh West, NY	Ray Brook, NY	WIRY-FM	264	100.7
Saranac Lake, NY	Warrensburg, NY	WSLP	228	93.5
Franklin, NC	Clayton, GA	WFSC(AM)	n/a	1050

**SETTLEMENT WINDOW FOR
MUTUALLY EXCLUSIVE
LPTV AND TV TRANSLATOR APPLICATIONS
JUNE 1 – JULY 31, 2020**

**TELEVISION REPACK
STATIONS ASSIGNED TO PHASE 10
TESTING PERIOD BEGINS: MAY 2, 2020
COMPLETION DEADLINE: JULY 3, 2020**



DEADLINES TO WATCH



Revised 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 jurisdictions have rescheduled elections due to the COVID-19 pandemic. Additional rescheduling may occur. Therefore this schedule is subject to change as each jurisdiction makes its decision about how to proceed.

JURISDICTION	ELECTION EVENT	DATE	LUC PERIOD
Alabama	State Primary Runoff	Jul. 14	May 30 - Jul. 14
Alaska	State Primaries	Aug. 18	Jul. 4 - Aug. 18
Arizona	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Colorado	State Primaries	Jun. 30	May 16 - Jun. 30
Connecticut	State & Pres. Primaries	Aug. 11	Jun. 27 - Aug. 11
Delaware	Presidential Primaries	Jul. 7	May 23 - Jul. 7
Delaware	State Primaries	Sep. 15	Aug. 1 - Sep. 15
Florida	State Primaries	Aug. 18	Jul. 4 - Aug. 18
Georgia	State & Pres. Primaries	Jun. 9	Apr. 25 - Jun. 9
Hawaii	State Primaries	Aug. 8	Jun. 24 - Aug. 8
Kansas	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Kentucky	State & Dem. Pres. Primary	Jun. 23	May 9 - Jun. 23
Louisiana	Presidential Primaries	Jul. 11	May 27 - Jul. 11
Maine	State Primaries	Jul. 14	May 30 - Jul. 14
Massachusetts	State Primaries	Sep. 1	Jul. 18 - Sep. 1
Michigan	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Minnesota	State Primaries	Aug. 11	Jun. 27 - Aug. 11
Mississippi	State Primary Runoff	Jun. 23	May 9 - Jun. 23
Missouri	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Nevada	State Primaries	Jun. 9	Apr. 25 - Jun. 9
New Hampshire	State Primaries	Sep. 8	Jul. 25 - Sep. 8
New Jersey	State & Pres. Primaries	Jul. 7	May 23 - Jul. 7
New York	State Primaries	Jun. 23	May 9 - Jun. 23
North Carolina	State Primary Runoff	Jun. 23	May 9 - Jun. 23
North Dakota	State Primaries	Jun. 9	Apr. 25 - Jun. 9
Oklahoma	State Primaries	Jun. 30	May 16 - Jun. 30
Rhode Island	State Primaries	Sep. 8	Jul. 25 - Sep. 8
South Carolina	State Primaries	Jun. 9	Apr. 25 - Jun. 9
Tennessee	State Primaries	Aug. 6	Jun. 22 - Aug. 6
Texas	State Primary Runoff	Jul. 14	May 30 - Jul. 14
Utah	State Primaries	Jun. 30	May 16 - Jun. 30
Vermont	State Primaries	Aug. 11	Jun. 27 - Aug. 11
Virginia	State Primaries	Jun. 23	May 9 - Jun. 23
Washington	State Primaries	Aug. 4	Jun. 20 - Aug. 4
West Virginia	State & Pres. Primaries	Jun. 9	Apr. 25 - Jun. 9
Wyoming	State Primaries	Aug. 18	Jul. 4 - Aug. 18

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Instead of publishing a notice in a newspaper, an applicant will now be required to post the notice on a publicly available website for 30 days, beginning within five business days of, but not earlier than, the FCC’s announcement of the acceptance of the application for filing. The website to be used should be one of the following, in this order of availability and priority: (1) the applicant station’s website, (2) the website of the licensee of the applicant’s station, (3) the website of the applicant station’s parent entity, or if there is no applicant-affiliated website, (4) a locally targeted, publicly accessible website, defined as an Internet website that (a) members of the public can access without payment, registration, or any other requirement that the user provide information or respond to a survey or questionnaire in exchange for being able to access the online notice, and (b) is locally targeted to the area served or to be served by the applicant station. An applicant for a permit to originate programming for broadcast on a foreign station under Section 325(c) of the Communications Act should use a website targeting the area in the United States to which its programming is targeted.

If the posting is on an applicant-affiliated website, it must be flagged on the home page by a “conspicuous” link or tab labeled, “FCC Applications,” and that links the viewer to a separate permanent page dedicated exclusively to the full text of all current notices for the station. To be “conspicuous,” the link or tab must be displayed in such size, color, contrast and/or location on the home page that it is easily read, understood and located by visitors to that page. If the station has no

pending applications that require public notice, the page should indicate that there are no pending applications subject to the posting requirement. There should also be an indication as to when the page was last updated.

For applicants that already have a construction permit or a license, the required text for the public notice reads as follows:

On [DATE], [APPLICANT NAME], [PERMITTEE/ LICENSEE] of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE, or for international broadcast stations, COMMUNITY WHERE THE STATION’S TRANSMISSION FACILITIES ARE LOCATED], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit [HYPERLINK TO APPLICATION LOCATION IN THE MEDIA BUREAU’S LICENSING AND MANAGEMENT SYSTEM; if an international station, HYPERLINK TO APPLICATION LOCATION IN THE INTERNATIONAL BUREAU’S MYIBFS DATABASE].

The text of the notice for applicants that do not yet have a permit or a license is the following:

On [DATE], [APPLICANT NAME], applicant for a new

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Lump Sum Payments Proposed for Earth Station Relocation continued from page 1

The target date for clearing the 3.7-4.0 GHz band of FSS operations is December 5, 2025. However, space station operators have been offered incentives to accelerate their relocation. The Phase I Accelerated Relocation Deadline for clearing the lowest 100 MHz (3.7-3.8 GHz) is December 5, 2021. The FCC’s Wireless Telecommunications Bureau (“WTB”) has announced in a *Public Notice* (DA 20-578) that five satellite space station operators have committed to accelerated clearing: Eutelsat, Intelsat, SES Americom, Claro (formerly known as Star One), and Telesat Canada.

The FCC has initiated the process for incumbent earth station operators to claim their reimbursement funds. Earth station operators have the option to accept either (1) reimbursement for their actual relocation costs, or (2) a lump sum reimbursement based on the average estimated costs of relocating all incumbent earth stations to the upper 200 megahertz of the band. The FCC has developed a schedule

of cost categories in a Preliminary Cost Catalog, and a classification of earth stations that would be eligible for lump sum payments. The Catalog is available online at the FCC’s website at <https://ecfsapi.fcc.gov/file/04271754520129/DA-20-457A2.pdf>. After an initial round of public comment on these proposals, the WTB is now soliciting additional public comment in a *Public Notice* (DA 20-586) in Docket 18-122.

The WTB states that it calculated the base lump sum amounts using the relevant earth station cost components from the Preliminary Cost Catalog and adjustments based on input from commenters. The final result is an average of the estimated cost for stations in each class. The WTB seeks comment on its methodology for making estimates and on the estimates themselves. Listed below are the proposed lump sum base payments based on the average cost estimates.

The deadline for comments on these proposals is June 16. The *Public Notice* does not provide for reply comments.

CLASS OF EARTH STATION	AVERAGE ESTIMATED COST
Receive-Only Single-feed	\$ 5,217
Receive-Only Multi-feed	22,233
Receive-Only Small Multi-beam (2-4 beams)	43,159
Receive-Only Large Multi-beam (5+ beams)	53,381
Gateway Bi-directional	20,726
Temporary Fixed (mobile electronic news gathering)	3,060

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[STATION TYPE] station on [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE, or if international broadcast station, COMMUNITY WHERE THE STATION'S TRANSMISSION FACILITIES ARE TO BE LOCATED], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit [HYPERLINK TO APPLICATION LOCATION IN THE MEDIA BUREAU'S LICENSING AND MANAGEMENT SYSTEM, or if an international broadcast station HYPERLINK TO APPLICATION LOCATION IN THE INTERNATIONAL BUREAU'S MYIBFS DATABASE].

Under the old rules, noncommercial stations needed only to broadcast the notice and were exempt from the requirement to publish it in a newspaper unless the station was not on the air. Noncommercial stations will now likewise be exempt from online publication of their notices.

Public notices about applications concerning low power television stations that do not originate programming, television translator stations, and FM translator and FM booster stations need only be posted online.

Pursuant to the old rules, a commercial station that was the only station in the same broadcast service in the community of license was exempt from newspaper publication. That exemption has been eliminated. Such stations will now have to broadcast announcements and post notices online.

The regime for on-air announcements has been simplified and standardized. For all kinds of applications requiring on-air public notice, a station will have to broadcast six announcements over a period of four consecutive weeks beginning not later than five business days after the FCC announces that the application has been accepted for filing. There must be at least one announcement aired each week, but never two on the same day. These announcements can be aired anytime between 7 a.m. and 11 p.m. local time, Monday through Friday.

Pre-filing announcements for license renewal applications are eliminated. To the extent that the old rules continue in force

until the new rules become effective, the requirement to air pre-filing announcements about license renewal applications has been waived for all stations.

On-air announcements under the amended rules must conform to the following script:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit publicfiles.fcc.gov, and search in [STATION CALL SIGN]'s public file.

An applicant station that does not have an online public file must broadcast the following alternate announcement:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments or petitions can visit www.fcc.gov/stationsearch, and search in the list of [STATION CALL SIGN]'s filed applications.

Television stations must present a visual of the full text of the announcement while an announcer recites the announcement orally.

Announcements on-air are to be presented in the primary language featured in the station's programming.

The new rules must be reviewed by the Office of Management and Budget ("OMB") to ensure they comply with the Paperwork Reduction Act. Upon approval by OMB, they will become effective on the date specified in a notice to be published in the Federal Register. Until then, the old rules will remain in effect.

Higher Regulatory Fees Proposed for FY 2020 continued from page 1

power television, the methodology for calculating fees for each station is in the final phase of a transition from reliance on the ranking of the Nielsen market in which the station is located to a formula based on the population within the station's noise-limited contour. Last year's fees were figured with a hybrid formula that mixed metrics from both methods. This year, fees will be based entirely on population and contour data derived from the Commission's TVStudy database. The FCC proposes to calculate each station's fee by multiplying the population within its noise-limited contour by \$0.007837.

In last year's regulatory fee proceeding, the FCC sought comment on whether, for purposes of calculating regulatory fees, population counts should be adjusted downward for

stations on VHF channels due to the propagation limitations of VHF frequencies. A number of commenters strongly favored such adjustments. However, in a *Report and Order* in Docket 19-105 released in the same item (FCC 20-64) with this year's *Notice of Proposed Rulemaking*, the Commission declined to categorically lower fees for VHF stations. The Media Bureau has concluded that there is nothing inherent in VHF transmissions that would cause signal deficiencies. However, the Commission acknowledges that environmental noise can affect VHF reception in certain situations.

This has led the FCC to grant occasional power increases above the normal maximum limits for VHF stations. The

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Higher Regulatory Fees Proposed for FY 2020 continued from page 8

higher power is intended to counteract the harm caused to reception by the environmental noise. In theory such stations have a greater than usual noise-limited contour. However, in reality, the additional power usually only results in normal quality reception within the area that would be covered by the noise-limited contour using the standard maximum power levels for VHF stations in the Commission's rules. In such cases, the Commission agreed that it would be unfair to consider the population within the theoretical larger noise-limited contour as the basis for the regulatory fee. Instead, the population figure used for calculating the fees for such stations will be limited to that within the maximum noise-limited contour specified in the rules for the channel on which the station operates.

The FCC solicits public comment on its methodology for figuring regulatory fees. The issue is not whether to impose fees, but how they should be calculated. The Communications

Act mandates the collection of these fees. Comments are due to be filed by June 12. Reply comments must be submitted by June 29.

The fees will ultimately be due by a date to be announced later. In previous years, the due date has usually fallen in September. Nonprofit and government entities are exempt from these fees.

The chart below shows the fees proposed for FY 2020 and compares them to the fees actually imposed for FY 2019 for most types of authorizations of interest to broadcasters except for full power television licenses. Using the formula described above, the Commission has proposed a specific fee for each full power television station. The fee proposed for each station is listed in Schedule G attached to the *Notice of Proposed Rulemaking*, which can be found online at <https://www.fcc.gov/licensing-databases/fees/regulatory-fees>.

PROPOSED FCC REGULATORY FEES FOR FISCAL YEAR 2020

TYPE OF AUTHORIZATION	ACTUAL FY2019	PROPOSED FY2020
Full Power TV Construction Permit	\$ 4,450	\$ 4,950
Class A TV, LPTV, TV/FM Translator & Booster	345	315
AM Radio Construction Permit	595	620
FM Radio Construction Permit	1,000	1,075
Satellite Earth Station	425	560

ACTUAL FY 2019 REGULATORY FEES FOR RADIO

POPULATION SERVED	AM CLASS A	AM CLASS B	AM CLASS C	AM CLASS D	FM A, B1, C3	FM B,C,C0,C1,C2
0-25,000	\$ 950	\$ 685	\$ 595	\$ 655	\$ 1,000	\$ 1,200
25,001-75,000	1,425	1,000	895	985	1,575	1,800
75,001-150,000	2,150	1,550	1,350	1,475	2,375	2,700
150,001-500,000	3,200	2,325	2,000	2,225	3,550	4,050
500,001-1,200,000	4,800	3,475	3,000	3,325	5,325	6,075
1,200,001-3,000,000	7,225	5,200	4,525	4,975	7,975	9,125
3,000,001-6,000,000	10,825	7,800	6,775	7,450	11,950	13,675
6,000,000+	16,225	11,700	10,175	11,200	17,950	20,050

PROPOSED FY 2020 REGULATORY FEES FOR RADIO

POPULATION SERVED	AM CLASS A	AM CLASS B	AM CLASS C	AM CLASS D	FM A, B1, C3	FM B,C,C0,C1,C2
0-25,000	\$ 1,000	\$ 715	\$ 620	\$ 680	\$ 1,075	\$ 1,250
25,001-75,000	1,500	1,000	930	1,000	1,625	1,875
75,001-150,000	2,250	1,600	1,400	1,525	2,425	2,825
150,001-500,000	3,375	2,425	2,100	2,300	3,625	4,225
500,001-1,200,000	5,050	3,625	3,125	3,450	5,450	6,325
1,200,001-3,000,000	7,600	5,425	4,700	5,175	8,175	9,500
3,000,001-6,000,000	11,400	8,150	7,050	7,750	12,250	14,250
6,000,000+	17,100	12,225	10,600	11,625	18,375	21,375

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