

LPTV Rules Updated

The FCC has updated and revised its rules governing low power television stations, television translator stations, and Class A television stations (collectively, the “LPTV Service”) in a *Report and Order* (FCC 25-84) in Docket 24-148. These new regulations generally clarify and provide for more uniformity about how these stations are to be operated. The LPTV category of stations was established in the early 1980s as a niche, secondary service, with a more relaxed regulatory touch. These stations were exempt from many of the requirements imposed on full service stations. Since then, the service has become mature and widespread. The Commission now counts 1,750 licensed LPTV stations, 3,096 TV translators, and 397 Class A stations, scattered across the nation in every state and territory. Consequently, the Commission has concluded that an upgrade of the LPTV regulatory regime is appropriate.

Call Signs

The FCC has taken a step to eliminate the confusion in call signs for LPTV Service stations. It is not always clear

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Imported EAS Tones Cause Trouble

The FCC’s Enforcement Bureau and American Public Media Group (“APMG”) (parent of Minnesota Public Radio and Southern California Public Radio) have agreed to a *Consent Decree* (DA 25-1035) to resolve the Bureau’s investigation about the improper broadcast of Emergency Alert System (“EAS”) tones in radio programming broadcast by APMG stations and numerous third-party stations to which the programming had been distributed. Under the terms of the agreement, APMG will make a contribution to the U.S. Treasury of \$86,400, and implement a two-year compliance plan.

APMG entities are the licensees of 46 full power FM radio stations in the upper Midwest and in southern California. Minnesota Public Radio d/b/a American Public Media, produces and distributes public radio programming to those licensee stations and to approximately 500 other noncommercial stations throughout the United States pursuant to carriage agreements. Included in that

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FCC Chairman Disclaims Agency’s Independence

During an appearance at an oversight hearing by the Senate Commerce, Science and Transportation Committee, FCC Chairman Brendan Carr testified that the FCC is not an “independent agency.” This astounded some of the Senators and contradicted most jurisprudence and common understanding of the agency since its founding over nine decades ago pursuant to the Federal Communications Act of 1934. Even the FCC’s website described it as an “independent agency” until that phrase was removed while the Chairman was still before the Committee.

Like a number of other administrative agencies in the Federal government, such as the Federal Trade Commission, the Securities and Exchange Commission, and the Federal Election Commission, the FCC has been seen as designed to be independent of the executive and legislative branches. The President appoints commissioners, subject to the advice and consent of the Senate. Congress funds and oversees the agencies. But to date, the Commissioners have been

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President Signs AI Executive Order

President Trump has signed Executive Order 14365 entitled “Ensuring a National Policy Framework for Artificial Intelligence.” The President states that United States AI companies must be free to innovate without cumbersome regulation. However, he recounts that excessive state regulation thwarts this imperative in three ways:

1. State-by-state regulation by definition creates a patchwork of 50 different regulatory regimes that makes compliance more challenging, particularly for start-ups.
2. State laws are increasingly responsible for requiring entities to embed ideological bias within models.
3. State laws sometimes impermissibly regulate beyond state borders, impinging on interstate commerce.

The President directs his administration to work with Congress to ensure that there is a minimally burdensome national standard – not 50 discordant state standards. He states that “The resulting framework must forbid state laws that conflict with the policy set forth in this order.”

The Attorney General is directed to establish an AI Litigation Task Force whose sole responsibility shall be

to challenge state laws inconsistent with this order. The Secretary of Commerce is directed to identify state AI laws that are “onerous” and in conflict with the national policy. The Secretary of Commerce is also to develop a policy that specifies the conditions under which certain Federal funding may be withheld from states that have “onerous” AI laws.

The President directs the FCC to initiate a proceeding to determine whether to adopt a Federal reporting and disclosure standard for AI models that would preempt conflicting state laws.

Many states have developed or are developing their own frameworks for addressing AI problems. For instance, more than 40 states have adopted or are working on various kinds of restrictions on deepfakes – a phenomena of interest to broadcasters. The future of those and any other state laws is open to question under the potential for competing Federal pressures emanating from this Executive Order. The Order itself does not directly invalidate state laws, but it does specify plans for Federal litigation against state laws that are deemed to be undesirable, or “onerous.”

Upper C-Band Migration Procedures Proposed

The One Big Beautiful Bill Act signed by President Trump last summer directed the FCC offer not less than 300 megahertz of spectrum for use to by new terrestrial wireless services. At least 100 megahertz is to be found in the band from 3.98 to 4.2 gigahertz, the upper C-band. The law gives the Commission two-years time in which to complete competitive bidding in an auction for the use of this spectrum. The 4.0 to 4.2 gigahertz portion of this band is currently allocated for FSS and Fixed Service uses. The incumbent operators in this spectrum, including broadcasters, use it for satellite down linking. The incumbent users will need to migrate to another portion of the upper C-band and/or potentially coexist with new operations. The FCC proposes the procedures it intends to use to accomplish this transition in a *Notice of Proposed Rulemaking* (FCC 25-78) in Docket 25-59.

The Commission expects that the time needed from adoption of the final rules until completion of the transition would be approximately five and one half years. The agency anticipates that this migration process will operate very similarly to the process that cleared the lower C-band of satellite service users several years ago. Incumbents will be reimbursed for their costs incurred in moving to different spectrum. The agency proposes to allow incumbents to request funds to match their actual costs, or to take a lump sum calculated on averaging all of their estimated costs. The Commission proposes to employ a third-party clearinghouse to oversee the cost-related aspects of the transition, making assessments of actual costs and mediating disputes.

The Commission invites comments on these proposals, which are due to be filed by January 5. February 3 is the deadline for reply comments.

Foreign Sponsorship ID Rule Delayed

In June 2024, the FCC modified its rules pertaining to sponsorship identification for programming provided by foreign governments and related entities. The rules require public disclosure of the source of the programming at the time of broadcast. Subsequently, the Commission revised the requirement to give broadcasters two options for demonstrating that they have met their duty of inquiry to

determine whether programming was sponsored or paid for by a foreign government entity.

The deadline for compliance with these rules was set for six months after their effective date – December 8, 2025. The Media Bureau has released a Public Notice (DA 25-1017) to announce a postponement of the compliance deadline for another six months, until June 7, 2026.

Audio Description Mandate Comes to Markets 111-120

Section 79.3 of the FCC’s Rules requires certain television stations and multichannel video programming distributors to provide audio description for a portion of the video programming they present to viewers. This technology inserts audio narrated descriptions of a video program’s key visual elements into natural pauses in the dialogue for the benefit of visually-impaired members of the audience.

Commercial stations affiliated with the ABC, CBS, Fox, and NBC networks in the top 110 markets presently must include audio description in at least 50 hours of video programming in prime time or during children’s programming during each calendar quarter, and 37.5 additional hours of audio described video programming between 6:00 am and 11:59 pm during the quarter.

When this rule was adopted in 2019, it pertained only to stations in the top 60 markets. Each year on January 1, the 10 next largest markets are added to the list of markets

where audio description is required. As of January 1, 2026, this requirement will be expanded to cover affiliates of the top four networks in markets 111-120 (as determined by The Nielsen Company as of January 1, 2023). These markets are the following:

Tyler-Longview (Lufkin and Nacogdoches)
Sioux Falls (Mitchell)
Fargo
Springfield-Holyoke
Lansing
Youngstown
Yakima-Pasco-Richland-Kennewick
Traverse City-Cadillac
Eugene
Macon

FM Allotments Reinstated

The FCC’s Media Bureau has released an *Order* (DA 25-1062) to reinstate the FM allotments listed below in the Table of FM Allotments. These allotments were previously occupied by authorizations that have expired or applications

that were not granted. These allotments are now considered to be vacant and will be available for new applications in future FM auctions.

COMMUNITY	CHANNEL ADDED	CHANNEL DELETED
Eufaula, AL	250A	---
Coalinga, CA	247A	247B1
Port St. Joe, FL	229C2	---
Warrenton, GA	226A	---
Grand Marais, MN	245C2	245C3
Vardaman, MS	258A	---
Jefferson City, MO	281A	---
Conrad, MT	229C1	---
Hatteras, NC	233C1	---
Meyersdale, PA	227A	---
New Ellenton, SC	274A	---
Big Lake, TX	252C1	252C2
Farwell, TX	252C1	---
Lockney, TX	271A	271C3



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

December 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 Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont.	January 10	Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.
December 1	Deadline for all broadcast licensees and permittees of stations in Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont 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 for Class A Television stations to place quarterly documentation about Class A eligibility in Public Inspection File.
December 1	Mid-Term EEO review begins for certain radio stations in Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont , and certain television stations in Colorado, Minnesota, Montana, North Dakota, and South Dakota.	January 30	Deadline for commercial full service and Class A television stations to place Children's Television Programming Report for 2025 in Public Inspection File.
December 1	Deadline for television stations that provided ancillary or supplementary services during the 12-month period ending September 30, 2025, to file annual Ancillary/Supplementary Services Report.	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.
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 2	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).
		February 2	Mid-Term EEO review begins for certain radio stations in New Jersey and New York , and certain television stations in Kansas, Nebraska, 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 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 **February 13, 2026**. Informal objections may be filed any time prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Page, AZ	Orderville, UT	KXUT	226	93.1
Tusayan, AZ	Big Water, UT	KXQX	223	92.5
Willcox, AZ	San Manuel, AZ	KAZK	209	89.7
Cocoa Beach, FL	Melbourne Beach, FL	WKQK(AM)	--	1300
Bowman, GA	Royston, GA	WEGG	237	95.3
Swainsboro, GA	Meldrim, GA	WXRA(AM)	--	1590
Marshfield, MA	Kingston, MA	WUMT	219	91.7
Cape May, NJ	Hartly, DE	WNJD	272	102.3
La Grande, OR	Lostine, OR	KUBQ	254	98.7
Lancaster, PA	Lititz, PA	WRKY(AM)	--	1490
Halifax, VA	Brookneal, VA	WMNA-FM	292	106.3
Martinsville, VA	New Castle, VA	WROV-FM	242	96.3



DEADLINES TO WATCH



Paperwork Reduction Act Proceedings

The FCC is required by 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
DTV PSIP standards, Section 73.682(d)	Dec. 22
Station logs, Section 73.1820	Dec. 22
Network non-duplication protection and syndication exclusivity, Sections 76.94, 76.95, 76.105, 76.106, 76.107, 76.1609	Dec. 22
Digital apparatus user interface, Section 79.107	Dec. 22
Video program guide, Section 79.108	Dec. 22
User interface complaint procedures, Section 79.110	Dec. 22
Permit but disclose proceedings, Section 1.1206	Dec. 22
Cable carriage of NCE TV station, Section 76.56(a)	Jan. 30
Cable carriage channel positioning, Section 76.57	Jan. 30
Cable carriage disputes, Section 76.61(a)	Jan. 30
Retransmission consent, Section 76.64	Jan. 30
LPTV authorization application, Form 2100, Schedule C	Feb. 2
Broadcast auction form exhibits	Feb. 17
LPTV and FM/TV translator assignment application, Form 2100 Schedule 345	Feb. 17
NCE FM service, Section 73.503	Feb. 17
NCE TV service, Section 73.621	Feb. 17
Noncommercial public inspection file, Section 73.3527	Feb. 17

Deadlines for Comments in FCC and Other Proceedings

DOCKET	COMMENTS	REPLY COMMENTS
(All proceedings are before the FCC unless otherwise noted.)		
Docket 25-322; Public Notice (DA 25-961)		
TV affiliation agreements		Dec. 24
Docket 25-59; NPRM (25-78)		
Upper C-Band frequencies	Jan. 5	Feb. 3
Docket 22-459; NPRM (FCC 25-64)		
2022 Quadrennial Regulatory Review		Jan. 16
Docket 16-142; 5th FNPRM (FCC 25-72)		
Next Gen TV	Jan. 20	Feb. 18
Docket 25-306; NPRM (25-69)		
Modernizing satellite facilities	Jan. 20	Feb. 18

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

LPTV Filing Windows

The FCC is currently accepting applications for both minor and major modifications (moving not more than 121 kilometers) to low power television stations, television translator stations, and Class A TV stations may be filed on a first-come, first-served basis. Application filing and process will change over the next several weeks per the following schedule.

January 29, 2026, 6:00 p.m. ET

Temporary application filing freeze begins for all major modification applications. Minor modification applications continue to be accepted.

March 12, 2026, 6:00 p.m. ET

Temporary application filing freeze begins for all minor change applications.

March 19, 2026, 12:01 a.m. ET

Freezes lifted. Applications accepted for minor and major change applications with no distance limitations, and for applications for new stations.

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from a station's call sign whether it is an LPTV station or a translator. Under the new rules, a translator station must use the call sign composed of W or K, followed by the channel number, followed by two letters, with the suffix, "-D" at the end. LPTV and Class A stations will be required to adopt the standard geographically appropriate four-letter call sign, with the "-LD" suffix for LPTVs, and "-CD" for Class A stations. Stations may elect to keep the call sign they had on the release date of this *Report and Order*, with which they will be grandfathered. Stations that do not qualify for grandfathering or that want to voluntarily change their call sign to comply with the new rule will have one year from the effective date of the rule to file a request for a call sign change exempt from filing fees. After that one-year period, such call sign changes will be subject to the filing fees.

Station Status

The Commission established a more formal process for stations to change their status in either direction between LPTV and TV translator. Presently, such a change is made with an informal notice to Commission staff. Now stations will need to file a license modification application to move from one status to the other. The agency had proposed to limit the filing of such applications to no more than once per 12-month period. However, it decided not to adopt that proposal.

Major/Minor Changes

Under the old rule, the maximum distance that an LPTV station could relocate its antenna site as a minor change was 30 miles. The Commission says that restriction was intended to foster stability for viewers. Nonetheless, it was a significant limitation in an era when major changes were not permitted. The amended rule makes this measure uniform with other distance measurements in the Commission's rules by adopting a metric value – 49.1 kilometers. Still wanting to protect viewers, the Commission was not persuaded to significantly increase the maximum distance for minor changes. Requests for waivers will be entertained where the applicant is forced to relocate due to factors beyond its control (such as its tower has been decommissioned) and it can show that it has taken all reasonable steps to maximize service to existing viewers within the station's existing service contour. In any event, the FCC is in the process of unfreezing the filing of major change applications. Hence, stations are about to enjoy much more flexibility for relocating.

Community of License

The Commission has not previously adopted a formal methodology for assigning LPTV Service stations to a community of license. Until now, stations in the LPTV Service have been able to informally specify any community of license they choose, regardless of whether service is actually provided to the community. The Commission is now adopting a formal process for identifying the community of license. The agency says that its purpose in doing so is to

provide better clarity for viewers, allow stations to foster relationships with the communities they serve, and better align with existing rules that already apply to the LPTV Service. The rules are not intended to impose any new obligations under Section 307(b) of the Communications Act, which mandates the fair distribution of broadcast facilities among communities and states. Station licensees will have the flexibility to select a community of license that fits the station's facilities rather than forcing a station's facilities to serve a formally allotted community.

Each LPTV Service station will now be required to designate a community as its legal community of license where the station's protected service contour overlaps the boundary of the community. The boundary for the community must be one that is recognized by any federal, state, local, or tribal government entity. In rural areas where there is no incorporated entity, a station could designate a county or a commonly used name of an unincorporated area. If no community exists within the station's contour, the licensee may select a nearby community and use Longley-Rice methodology to demonstrate the field strength is adequate on the boundary.

Each station in the LPTV Service must now designate a community of license meeting the above criteria by filing an application for a modification of license and paying the appropriate filing fee. Licensees will have six months from the effective date of this rule to file an application to name a rule-compliant community of license. Applications filed during that initial six-month period will be exempt from filing fees. Stations that already have a rule-compliant community of license listed in the Commission's Licensing and Management Service need not take any action. Recognizing that secondary stations can be displaced from time to time, the Commission will not limit the quantity or frequency of a licensee's applications to change its community of license.

Operating Hours

The FCC had proposed to require LPTV stations to operate at least 14 hours each calendar week. However, it declined to adopt such a rule in the face of universally negative comments in the rulemaking proceeding. Nonetheless, the Commission reminded LPTV licensees that they are subject to various existing operational requirements. The FCC must be notified if a station is silent for 10 days, and a silent authority must be requested if the silence lasts for 30 days. Section 74.763(c) provides that the license of an LPTV station that is silent for 30 days for reasons not beyond the licensee's control may be cancelled at the Commission's discretion. Like all other broadcast stations, the license for an LPTV Service station that is silent for 12 consecutive months automatically expires.

Video Programming

Section 74.790(g)(3) of the Commission's rules requires that an LPTV station must transmit at least one over-the-air video program signal "whenever operating." The

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Commission clarifies that test patterns, slides, and still pictures with unrelated aural transmissions do not constitute a “video program signal.” However, the agency says that it does not intend to preclude test patterns, slides, or still pictures with unrelated audio. To clarify this point, the rule is amended to delete “whenever operating.” Such content is permissible, but is by itself insufficient to meet a station’s minimum video program signal obligations.

Interference

LPTV Service stations are permitted to accept interference up to a 2% threshold. Stations are also permitted to enter into agreements that supercede compliance with the protection standards, or to unilaterally accept incoming interference in excess of 2%. Now LPTV Service stations seeking to use

an agreement to resolve interference issues must enter into a written agreement. That agreement must be filed with any application proposing an interference threshold in excess of 2% and must state the money or other consideration that is promised or exchanged. Stations will be permitted to retain those agreed-upon interference thresholds when modifying facilities. Under the current rules, a modification must bring the interfering station back down to the 2% threshold for the accepting station regardless of the prior agreement.

Many of these amendments to the FCC’s rules involve changes in forms and/or collecting information from applicants. Those provisions will have to be reviewed by the Office of Management and Budget before they become effective.

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somewhat insulated from political pressure and subject to dismissal only for cause, as specified by statute. That principle is the subject of a case presently before the Supreme Court, involving an FTC commissioner whom President Trump fired for failure to align with his policies.

The implications for the adoption and implementation of policy are obvious if the President has the power to fire commissioners in the middle of their term merely because

they disagree with him and decline to pursue his favored course of action. The agency will become less deliberative among its diverse members and more likely to fast track policies promulgated from the White House.

Chairman Carr apparently is not awaiting the Supreme Court’s ruling in that case. He has already determined that the FCC should be a department of the Executive Branch rather than an independent agency.

Imported EAS Tones Cause Trouble continued from page 1

distributed programming is content produced by the British Broadcasting Company (“BBC”).

The FCC received several email reports on May 25, 2023, that recordings of EAS tones were broadcast during a BBC program heard on APMG stations. The program turned out to be an episode of the “BBC Witness History” series entitled, “Chasing the World’s Biggest Tornado.” Enforcement Bureau staff investigations revealed evidence that the program had included two instances of EAS tones and elements of a NOAA tornado warning alert.

Upon inquiry by the Bureau, APMG admitted that on May 24, 2023, a BBC program meeting that description had been broadcast on the 46 stations licensed to its subsidiaries and approximately 500 other stations licensed to third parties. At the time of broadcast, there was no actual emergency or authorized test that would have justified use of EAS tones. Section 11.45 of the FCC’s rules generally

prohibits the broadcast of EAS tones other than during bona fide emergencies or authorized tests.

The *Consent Decree* does not provide any indication as to whether APMG had taken any precautions to prevent this mishap. However, APMG will be required now to develop a compliance plan to ensure that this does not happen again. A senior-level corporate manager is to be appointed as the compliance officer who will oversee the organization’s EAS compliance plan during the next two years. The compliance plan must include procedures, a manual, and a training program for employees who are in a position to manage and control EAS transmissions. A compliance report must be submitted to the FCC within 120 days, 12 months, and 24 months of the effective date of the *Consent Decree*.

APMG’s voluntary contribution of \$86,400 is to be paid within 30 days.

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