

FCC Seeks to Clarify Protection Standards For TV Repack

The FCC has released a *Declaratory Ruling* in Docket 12-268 to state its policy on protecting television stations' "coverage area" and "population served" in the repacking process that will follow the Incentive Auction and reallocation of television spectrum. Although this topic was addressed in the *Report and Order* in this docket, the Commission felt the need to take this action "to remove any uncertainty" about the approach adopted in that *Report and Order*. The Commission clarifies that a station's post-repacking facilities will not be protected in areas where there is no one to watch it or where it cannot be received because of existing interference.

The statute that authorized the Incentive Auction mandated that the FCC make "all reasonable efforts" in the repacking process to preserve both the coverage area of and the population served by each television station as of the date of the law's enactment, February 22, 2012. The Commission interprets "coverage area," consistent with the term, "service area,"

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Waiver Denied for FM Translator Move

The FCC's Media Bureau has dismissed an application by Way Media, Inc. in which it requested a waiver to move its FM translator station W218CR from Central City, Kentucky to Tell City, Indiana and to switch the output channel from 91.5 MHz to 103.7 MHz. The proposal would have put the translator in position to rebroadcast AM station WTCJ. Way Media also filed an application for FCC approval to sell the translator to the licensee of WTCJ contingent upon grant of the modification application.

The waiver request asked the Commission to treat this proposal as a minor change application. Minor change applications are not subject to competing applications. To qualify as a minor change for an FM translator antenna site move, the proposed 1 mV/m contour must overlap some portion of the existing 1 mV/m contour. For a channel change application, the modification is limited to moving to a first, second or third adjacent channel, or to an intermediate frequency channel. This application proposed to violate both of those restrictions. The proposed and the existing 1 mV/m contours did not overlap

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Sports Blackout Rules Repealed

The sports blackout rules have been repealed by the FCC by way of a *Report and Order* in Docket 12-3. These rules prohibit cable television operators, satellite carriers and open video systems from retransmitting, within a protected local blackout zone, the programming of a distant television station carrying a sporting event if the event is not broadcast live on a local television station. These regulations were adopted in 1975 to help ensure that sports programming is widely available to the public by reinforcing the sports leagues' private blackout policies. Despite objections from football and baseball interests, the Commission has concluded that these rules are outdated and unnecessary.

Forty years ago, the practice of blacking out locally televised games that were not sold out at least 72 hours ahead of game time was common in several sports. Today, the practice appears to linger only in the National Football League, and even there only on a very diminished level. The record in this rulemaking proceeding shows that during the 2013 season, only

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and the frequency change would have covered 61 channels. This application would therefore ordinarily have been considered a major change application – which can only be filed during a filing window for the service, when there is an opportunity for other applications to be filed as well.

The waiver request was primarily geared toward the public interest value of “revitalizing” the service provided by the AM station, WTCJ. Way Media and the WTCJ licensee argued that the restrictive minor change rule was outdated and should give way to the greater public benefits to be derived from AM revitalization. These benefits were echoed by third parties who filed comments to support the waiver request, including the National Association of Broadcasters. The applicants suggested that this waiver would be a logical extension of what has come to be known as the *Mattoon* waiver policy. They observed that both the existing and the proposed translator transmitter sites were within the 0.025 mV/m interference contour of the AM primary station, and that the proposed move would not be into an LPFM spectrum-limited market.

In the *Mattoon* ruling, an application was granted as a minor change even though the proposed and the existing 1 mV/m contours did not overlap. The Commission found this waiver to be in the public interest on the basis of four criteria: (1) the applicant did not have a history of serial modification applications; (2) the proposed facility was mutually exclusive with the existing authorization; (3) the proposed move was not into an LPFM spectrum-limited market; and (4) the translator would rebroadcast an AM station.

The Bureau declined to stretch *Mattoon* criterion #2 to the extent suggested by the parties in this case, where the pro-

posed and existing facilities were not mutually exclusive. It said that would violate the rights of other potential applicants who would be foreclosed from filing mutually exclusive competing applications if this application were treated as a minor change. This is contrary to the long-standing precedent from the 1945 Supreme Court decision in *Ashbacker Radio Corp. v. FCC*, which held that where two applications are mutually exclusive, the grant of one without considering the other violates the statutory right of the second applicant to comparative consideration. This principle applies to situations involving the opportunity for prospective applicants as well as actual competitors with applications on file. The waiver process requested by the parties here would foreclose would-be competitors because the requested waiver would have applied only to the present applicant, while others would be precluded from filing by the rule that was being waived for the first applicant. The Bureau reiterated that this proposal differed from the *Mattoon* decision because in that case, the proposed and existing facilities were mutually exclusive with each other. As such, the *Mattoon* waiver did not violate *Ashbacker* because there would be no possibility for prospective applicants. They would be precluded by the existence of the previously authorized original facility.

In any event, the Bureau also concluded that this topic should more properly be addressed in a rulemaking proceeding than in case-by-case responses to waiver requests. The use of FM translators to assist in improving AM services is already under consideration in the pending rulemaking docket in *Revitalization of the AM Radio Service* in which a *Notice of Proposed Rulemaking* was released in October of last year.

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two NFL games were blacked out. To the extent that a league continues this practice privately, the FCC’s action will not prohibit it, but neither will that practice be fostered by the Commission’s rules.

At the time that these rules were enacted, a primary source of revenue for sports teams was gate receipts. It was believed that tickets sales would be suppressed if a game was available to watch on local television for free. However, now television has replaced gate receipts as the primary

source of revenue for most sports teams. If a game is not televised, the opportunity for advertising sales is lost. There is a major incentive to broadcast games on television rather than to black them out

The FCC concludes that eliminating these rules is in the public interest because it will remove an obstacle to unfettered broadcasting of games, and foster the availability of more games for the viewing public.

**LOWEST UNIT CHARGE
RULE IN EFFECT
UNTIL
NOVEMBER 4, 2014**

**FILING DEADLINE FOR THRESHOLD
QUALIFICATIONS FOR TRIBAL FM
ALLOTMENT AT TOHATCHI, NEW MEXICO
CHANNEL 268, 101.5 MHz
OCTOBER 10, 2014**

Comment Requested on Alternative PSIP Proposal

The FCC's Media Bureau has requested public comment on an "Alternative PSIP Proposal" that has been offered by KVVN, a new television station at Middletown Township, New Jersey, to partially resolve a dispute about the use of virtual channels in the New York DMA. PSIP is the Program System and Information Protocol which carries, among other data, the station's virtual channel on which consumer receivers will pick it up.

As reported in this newsletter last month, WFSB, Hartford, has objected to the assignment of virtual channel 3 to KVVN because WFSB also uses virtual channel 3. There is significant overlap of the noise-limited contours of the two stations. KVVN has requested carriage on a number of cable systems using virtual channel 3, including systems that already carry WFSB on virtual channel 3. To KVVN's dismay, the Media Bureau has granted the requests of the cable

systems to defer implementation of their carriage of KVVN until 90 days after this conflict is resolved.

KVVN proposes that it be assigned a two-part virtual PSIP channel 3.10, with prospective additional streams at 3.11, 3.12, etc. WFSB would retain virtual channels 3.1 through 3.9. The same would be true for KYW-TV, Philadelphia, which also uses virtual channel 3 and has its own contour overlap with KVVN. Because cable systems typically do not use two-part channel number, KVVN request carriage on cable channel 3 everywhere it is entitled to carriage in the New York DMA except Fairfield County, Connecticut.

As the two-part virtual number could be useful to other stations as well, the Bureau requests public comment about this proposal. Comments are due October 14; reply comments, October 29.

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as used in OET Bulletin 69 (an engineering guideline published by the FCC's Office of Engineering and Technology) and Section 73.622(c) of the agency's rules, to mean the area within a full power station's noise-limited F(50,90) contour where the signal strength is predicted to exceed the noise-limited service level, and for Class A stations, the area within the protected contour. "Population served" is interpreted to mean persons who reside within a station's "coverage area" at locations where the signal is not subject to interference from other stations.

Under existing protection criteria, an application for a new or modified digital station is acceptable if it is predicted to cause interference to no more than an additional 0.5 percent of the population served by another digital television station. Thus, the rules protect from interference populated portions of a station's coverage that are not lost to existing interference from other stations. In the *Report and Order*, the Commission adopted this same approach as the guideline for determining impermissible interference in the repacking process.

The Commission states that if a station is reassigned to a new channel, it will attempt to replicate the station's coverage area as closely as possible on the new channel with the same antenna pattern and technical parameters. However, when the "population served" element is added to the process, the Commission says that that term by definition excludes unpopulated areas and area where the station's signal cannot be received due to existing interference from other stations. The Commission believes that this approach is consistent with the statutory mandate which it interprets

to mean protecting the status quo. By protecting each station's current "population served," the agency will ensure that the signal reaches the same viewers before and after the repacking process (aside from the de minimis 0.5% allowable interference).

The Commission asserts that protecting a station's "coverage area" from interfering signals without regard to the "population served" factor would result in more expansive protection than stations received under the rules in effect at the time that the Incentive Auction legislation was adopted. The agency understands its mandate to make "reasonable efforts" to preserve coverage and population for stations within the context of the statute's primary objective – which is to repurpose spectrum away from broadcasting. Expanding interference protection to unpopulated areas and/or areas already receiving interference would "significantly constrain" the Commission's flexibility in the repacking process and degrade the efficiency of the final allotment plan, perhaps leaving less spectrum available for the auction. That in turn, would reduce the chances for success of the overall objective to foster the development of new wireless facilities.

Commissioners Pai and Reilly dissented with separate statements. In their view, the *Declaratory Ruling* is a late effort to justify an approach to protection standards for the repacking process that was not properly proposed or vetted in the rulemaking that led to the adoption of the *Report and Order*. This issue is at the heart of appellant litigation about the *Report and Order* now before the Court of Appeals.



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

- Oct. 1, 2014 Deadline to file license renewal applications for television stations in **Alaska, American Samoa, Guam, Hawaii, Mariana Islands, Oregon and Washington.**
- Oct. 1, 2014 Deadline to file Biennial Ownership Report for all noncommercial radio stations in **Iowa and Missouri** and non-commercial television stations in **Alaska, American Samoa, Guam, Hawaii, Mariana Islands, Oregon and Washington.**
- Oct. 1, 2014 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 **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Mariana Islands, Missouri, Oregon, Puerto Rico, Virgin Islands and Washington.**
- Oct. 1, 2014 Deadline for all broadcast licensees and permittees of stations in **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Mariana Islands, Missouri, Oregon, Puerto Rico, Virgin Islands and Washington** 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). Stations for which this is the license renewal application due date will submit this information as a part of the renewal application.
- Oct. 1 & 16, 2014 Television stations in **Alaska, American Samoa, California, Guam, Hawaii, Mariana Islands, Oregon, and Washington** broadcast post-filing announcements regarding license renewal applications.
- Oct. 1 & 16, 2014 Television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont** broadcast pre-filing announcements regarding license renewal applications.
- Oct. 10, 2014 Place Issues/Programs List for previous quarter in public inspection file for all full service radio and television stations and Class A TV stations.
- Oct. 10, 2014 Deadline to file quarterly Children's Television Programming Reports for all commercial television stations.
- Nov. 1 & 16, 2014 Television stations in **Alaska, American Samoa, Guam, Hawaii, Mariana Islands, Oregon, and Washington** broadcast post-filing announcements regarding license renewal applications.
- Nov. 1 & 16, 2014 Television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont** broadcast pre-filing announcements regarding license renewal applications.
- Dec. 1, 2014 Deadline to file Ancillary/Supplemental Services Report for all digital television stations.
- Dec. 1, 2014 Deadline to file license renewal applications for television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.**
- Dec. 1, 2014 Deadline to file Biennial Ownership Report for all noncommercial radio stations in **Colorado, Minnesota, Montana, North Dakota and South Dakota** and noncommercial television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.**
- Dec. 1, 2014 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.**
- Dec. 1, 2014 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). Stations for which this is the license renewal application due date will submit this information as a part of the renewal application.
- Dec. 1 & 16, 2014 Television stations in **Alaska, American Samoa, Connecticut, Guam, Hawaii, Maine, Mariana Islands, Massachusetts, New Hampshire, Rhode Island, Oregon, Vermont and Washington** broadcast post-filing announcements regarding license renewal applications.
- Dec. 1 & 16, 2014 Television stations in **New Jersey and New York** broadcast pre-filing announcements regarding license renewal applications.



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 11-154; 2ndFNPRM Closed-captioning of Internet protocol delivered video programming	Oct. 6	Nov. 3
Docket 14-150; Public Notice Request for comment re alternate PSIP proposal for KVVV	Oct. 14	Oct. 29
RM No. 11728; Public Notice Petition for Rulemaking re video programming vendors		Oct. 14
Docket 14-90; Public Notice AT&T application to acquire DIRECTV		Oct. 16
Docket 12-268; Public Notice Request for comment on draft TV Broadcasters Relocation Fund Reimbursement Form	Oct. 27	N/A
Docket 12-201; FNPRM Regulatory fees for DBS	N+30	N+60
Docket 12-267; FNPRM Licensing and operating rules for satellite services	N+45	N+75
Docket 12-268; NPRM Spectrum access for wireless microphone operations	N+45	N+65
Docket 14-165; NPRM Unlicensed operations in white spaces in TV band	N+45	N+65
Docket 14-157; Public Notice Termination of dormant proceedings	N+30	N+45

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

Rulemakings to Amend FM Table of Allotments

The FCC is considering amendments to the FM Table of Allotments to add and/or delete (indicated with a "D") the following channels. The deadlines for filing comments and reply comments are shown.

Community	Channel	MHz	Comments	Reply Comments
Silverton, TX	221A	92.1	Nov. 10	Nov. 25
Silverton, TX	252A(D)	98.3	Nov. 10	Nov. 25

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 Radio Service Authorization, Form 601	Oct. 14
Special Temporary Authorization requests; informal notifications and filings, Sections 1.5, 73.1615, 73.1635, 73.1740, 73.3598, 73.1740, 73.3598, 74.788	Oct. 17
LPTV application for construction permit extension, Form 337	Oct. 17
DTV ancillary/supplemental services report, Form 317	Oct. 17
International broadcast stations, Forms 309, 310, 311	Oct. 17
Emergency antennas, Section 73.1680	Oct. 27
AM directional antenna field strength measurements, Section 73.61	Nov. 3
Closed captioning of video programming, Section 79.1	Nov. 3
Cable carriage procedures and disputes, various Part 76 rules	Nov. 17
Chief Operators, Section 73.1870	Nov. 24
Permit-but-Disclose Proceedings, Section 1.1206	Dec. 1

Cut-Off Dates for FM Booster Applications

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

Community	Parent Station	Channel	MHz	Filing Deadline
Carolina, PR	WYAS	221	92.1	Oct. 20

Rulemakings to Amend Digital TV Table of Allotments

The FCC is considering amendments proposed to the Digital TV Table of Allotments to add and/or delete the following channels. The deadlines for filing comments and reply comments are shown.

Community	Station	Present Channel	Proposed Channel	Comments	Reply Comments
Rome, GA	WPXA-TV	51	31	Oct. 14	Oct. 27
Mt. Vernon, IL	WPXS	21	11	Oct. 14	Oct. 27
Kansas City, MO	WPXE-TV	51	30	Oct. 14	Oct. 27
Dayton, OH	WKEF	51	18	Oct. 27	Nov. 10

Changes Proposed for White Space Devices

To address changes coming to the spectrum bands presently occupied by broadcast television, the FCC has proposed changes for regulating the myriad of unlicensed devices and wireless microphones that operate in those bands in the vacant spaces between existing TV operations – the so-called “white spaces.” These proposals are set out in a *Notice of Proposed Rulemaking* in Docket 14-165. Most of the Commission’s proposals address issues related to the increased congestion likely to occur in the television band after the Incentive Auction.

Unlicensed TV white space (“TVWS”) devices are typically used to provide broadband data and other services for businesses and consumers in unserved and underserved areas. They may be fixed or portable. To prevent harmful interference to television stations and other authorized spectrum users, TVWS devices obtain a list of available channels that may be used at their location from databases administered by private entities selected by the FCC. Spectrum sensing instruments have also been used to gather data about what other transmitters may be in operation nearby that must be protected.

If the Incentive Auction proceeds as planned, some of the present 6-MHz television channels will be converted to bands of paired 5-MHz wireless channels with guard bands between television and wireless bands and an 11-MHz duplex gap between the two groups of paired wireless channels. The Commission has already indicated that TVWS devices will be allowed to continue to operate after the Incentive Auction in the television channels, in the guard bands, in the duplex gap, and temporarily, even in the wireless channels during a transition until the wireless services become operational. This rulemaking is to establish the framework for those operations. The Commission proposes different rules for operations in the television channels and for operations in the guard bands. This article will focus on the matters of most concern to broadcasters – the TVWS devices operating in the television channel white spaces.

Under current rules, fixed TVWS devices are permitted on any unused TV channels from 2 to 51, and portable devices on any unused channel from 21 to 51, excluding channels 3, 4 and 37. No operations are permitted on channel 37 to protect the Radio Astronomy Service and the Wireless Medical Telemetry Service. Channels 3 and 4 are protected for TV interface devices with signal outputs on channel 3 or 4, such as VCRs, DVRs, and cable and satellite converter boxes. The use of portable devices is also prohibited on channels 14-20 in communities where Private Land Mobile Radio Services and Commercial Mobile Radio Services (“PLMRS/CMRS”) operate on them.

Under the old rules, channel 35, 36, 38 and 39 were set aside for wireless microphones. In the future, they will be available for all TVWS devices. In the future channel plan for the 600 MHz band, these channels are on the cusp between broadcasting and wireless services. Which service occupies them will depend on how much spectrum is released by the auction process for repurposing. If television stations remain on these channels, they will share the frequencies with the full range of TVWS devices.

The Commission proposes to eliminate the prohibition on TVWS devices on channels 3 and 4. Most newer consumer equipment does not rely on those channels for interface operations, and/or is equipped to work around those channels. The agency asks for data about how many consumers still rely on equipment that needs these channels. Would the potential harm be mitigated if the TVWS devices were phased in over time, beginning with the fixed devices, which are less likely to be operating near consumer TV receivers?

The restriction on portable devices on channels 14-20 was implemented because of the difficulty for spectrum sensing to detect the intermittent PLMRS/CMRS operations. However, repurposing television channels to wireless use will reduce the amount of spectrum available for portable devices. Removing the restriction on channels 14-20 would ease that shortage. The concerns about interference have also been reduced because portable devices now can rely on databases for the location of transmitters they must protect rather than spectrum sensors. The Commission proposes to lift the restriction on portable white space devices on channels 14-20. In the same breath and without much explanation for why, the Commission also proposes to allow portable devices all the way down to channel 7.

Fixed white space devices, with permissible maximum power of 4 watts EIRP, are not permitted to operate on channels that are adjacent to a channel occupied by a television station. They must always operate outside of the defined service contours of adjacent channel TV stations by a minimum distance defined in the rules. Portable devices generally have to comply with the same requirement. However, they are permitted to operate within the adjacent channel TV station’s service contour if they reduce power to 40 milliwatts EIRP. There is no corresponding provision to permit fixed devices to operate nearer to a television station if they reduce their power. This results in the need for three adjacent vacant television channels to establish a site for a fixed device. With the reduction in television spectrum

...the Commission’s proposals address issues related to increased congestion...

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Wireless Microphones to be Studied

Wireless microphones are widely used in performance and production venues, including theaters, concert halls, film studios, conventions, corporate events, houses of worship and Internet webcasts, as well as broadcast productions. These devices are heavy users of frequencies in the television bands. After the Incentive Auction and the repacking of the television stations that remain, fewer frequencies will be available for wireless mics. The Commission has launched a rulemaking proceeding to address wireless microphone users' long-term needs with a *Notice of Proposed Rulemaking* in Docket 14-166.

The Commission seeks to explore these matters from the point of view of both broadcasters as microphone licensees and users and as incumbent television licensees who share spectrum with the microphones. Public comment is sought on such issues as the suitability of various bands for different

wireless microphone uses; the development and integration of new technologies to make microphones more efficient in their use of spectrum; and issues concerning the transition out of the 600 MHz band as it is repurposed to other wireless uses with which there can be no long-term cohabitation. The Commission asks about the feasibility of close proximity co-channel use of microphones and nearby television facilities. The feasibility of allowing wireless mics in the post-repacking duplex gap is raised for discussion. The duplex gap will be the 11-MHz guard band between two groups of paired wireless channels.

The deadline for comments will be 45 days after publication of notice of the proceeding in the Federal Register. Reply comments can be submitted until 65 days after that publication.

TV Relocation Fund Form Drafted

The FCC's Media Bureau has drafted a TV Broadcaster Relocation Fund Reimbursement Form and has asked the public to review it and comment on it in Docket 12-268 by October 27. This is the form that television licensees will complete and submit to claim reimbursement for the expenses incurred in making any modifications to their stations as a result of the repacking to take place after the Incentive Auction.

Congress has established a TV Broadcaster Relocation Fund to be financed with \$1.75 billion from auction proceeds. Eligible station owners will file the Reimbursement Form no later than three months following release of the Public Notice announcing the post-auction channel reassign-

ments with their estimates for the cost of completing the transition. They will have later opportunities to document and collect the specific amounts of expenses actually incurred.

While the amount to be paid to every claimant will be made public, the Bureau seeks comment on whether any of the other data submitted in the Reimbursement Form should be considered confidential or not subject to public disclosure.

The draft form is available for review in Docket 12-268 in the FCC's online Electronic Comment Filing System at www.fcc.gov/ecfs.

Changes Proposed for White Space Devices

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that will follow the auction, finding three adjacent vacant channels will be problematic if not impossible. To address this likely shortage of opportunities for fixed devices, the Commission proposes to allow their transmitters to operate on channels adjacent to the TV station channel and within the TV station's service contour with 40 milliwatts EIRP, and to reduce the minimum distance required to the TV station for co-channel 40 milliwatt EIRP operations.

The agency also proposes to allow fixed devices to operate with 4 watts EIRP at locations where there are just two contiguous vacant TV channels rather than three. The fixed device would operate in the middle of the double channel 12-MHz band rather than completely within one of the 6-MHz TV channels.

Section 15.712(a)(2) of the Commission's rules contains a table of minimum separation distances between TVWS devices and television service contours. The Commission proposes to modify this table with a series of five steps in power levels, allowing for more flexibility in the placement of TVWS devices, creating shorter permissible distances between the TVWS site and the TV station.

To improve efficiency in rural areas, the agency asks for

comment on a proposal to allow antenna heights of up to 30 meters above ground and power levels up to 10 watts for fixed devices in rural areas. In this case, an area is defined as rural where at least half of the television channels are unused for broadcast services and available for TVWS services.

One element of the separation criteria between broadcast stations and TVWS devices concerns calculation of the TV station's service contour. The Commission presently requires the use of the propagation curves in its rules for calculating the service contour. The Commission observes that some parties have suggested that alternative propagation models would sometimes be appropriate for these calculations. While the agency does not now propose to allow the use of alternative methodologies, it invites comment on the issue.

The Commission solicits comment on these and other technical issues concerning the interface between TVWS devices and broadcast television stations, as well as a whole range of issues involving white space devices in the guard bands in the 600 MHz band. The deadline for filing comments will fall 45 days after publication of notice of this proceeding in the Federal Register. Reply comments will be due 20 days later.

Media Bureau Introduces New Electronic Filing System

The FCC's Media Bureau has announced the completion of the first phase of a new electronic filing system for broadcast applications call the Licensing and Management System ("LMS"). LMS will eventually replace the Consolidated Data Base System ("CDBS") as the e-filing system for all filings by broadcast applicants and stations.

Effective October 2, full power television applicants must use this system to file applications for construction permits, licenses and amendments to pending applications. These applications that were formerly submitted on Form 301 and Form 302-DT will now be filed on a new consolidated form, FCC Form 2100, that will replace all of the existing radio and television service forms. The main portion of the Form 2100

requests general information common to all broadcast applications. Information specific to particular applications will be completed on associated schedules for each type of authorization being requested. The first two schedules that are available for TV broadcasters are Schedule A, to obtain a construction for a full power TV station (formerly known as Form 301), and Schedule B, to obtain a license to cover construction permits (formerly known as Form 302-DT). These applications can no longer be filed in CDBS.

Form 2100 is available on the FCC's website under the forms link at: www.fcc.gov/forms. A link to LMS can be found at <https://enterpriseefiling.fcc.gov/dataentry/login.html>.

Incentive Auction Task Force Releases Estimated Values

The FCC's Incentive Auction Taskforce is sending a package of information entitled "Incentive Auction Opportunities for Broadcasters" to the owner of every full power and Class A television station eligible to participate in the Incentive Auction. The Commission engaged the services of an investment consulting firm to help prepare this material. In addition to explaining how the auction will function with flexible multiple bidding options for broadcasters, the Commission offers its estimates of high end compensation that could be paid for broadcast spectrum rights in each market. Information is also provided from the IRS to describe federal income tax implications relevant to compensation received by broadcasters whose bids are selected

and the relocation reimbursements to stations that are repacked after the auction.

The Commission says that "robust" participation from all sized markets is critical to the success of the auction. Due to the daisy chain nature of interference, the agency suggests that mid- and small market broadcasters will be able to derive substantial value for their spectrum rights as well as those in large markets. The estimated high end compensation for an individual station ranges from several million dollars to hundreds of millions of dollars. The Commission calculates that some of the highest prices will come in the mid- and smaller markets.

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