

## Petitioners Seek Rulemaking on Next Generation TV

The FCC's Media Bureau has requested public comment on a Joint Petition for Rulemaking that urges the Commission to adopt rules to permit the implementation of the ATSC 3.0 standard for television broadcasting, also called "Next Generation TV." This standard was approved by the Advanced Television Systems Committee ("ATSC") in a report released in March. The Petition was jointly filed with the FCC by America's Public Television Stations, the Advanced Warning and Recovery Network Alliance, the Consumer Technology Association, and the National Association of Broadcasters.

The petitioners propose Next Generation TV as a voluntary standard that broadcasters could implement as technology and consumer usage evolve. They envision a soft transition period during which pairs of stations would cooperate with each other to simulcast each other's programming – one in the current ATSC 1.0 and the other in ATSC 3.0. Specifically, the petitioners ask the FCC to amend its rules as follows:

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## Congress Wants Earthquake Alerts Within 3 Seconds

Last December, Congress enacted legislation directing the FCC to submit a report within nine months that details the regulatory and statutory changes that would be necessary to ensure that earthquake-related emergency alerts can be delivered to and received by the public in fewer than three seconds. The FCC's Public Safety and Homeland Security Bureau has released a Public Notice requesting public input to assist it in developing this report. The due date for sending the report to Congress is September 18, 2016.

The Commission seeks comment on technical aspects of the Integrated Public Alert and Warning System ("IPAWS") and its associated alerting systems, as well as other alerting systems with which the Commission has not been involved. The agency's goal is to create a "robust record" on potential models for delivering earthquake early warning ("EEW") to the entire public in fewer than three seconds.

The Federal Emergency Management Agency ("FEMA")

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## Reverse Bidding Begins May 31

The FCC's Incentive Auction Task Force and the Wireless Telecommunications Bureau have released a Public Notice announcing the schedule and details for the clock phase of the reverse television spectrum auction, Auction 1001. Reverse bidding will commence on May 31. The Commission's initial spectrum clearing target is set for 126 megahertz. That is the amount of spectrum that, if the auction is successful, will be reallocated from television broadcasting to wireless services. This would encompass all of the present television channels from 30 through 51 (with the exception of channel 37, which remains allocated for radio astronomy).

Of this spectrum, 100 megahertz will be reconfigured into 10 pairs of 5-megahertz blocks. Each pair includes a separate block for wireless uplinks and downlinks. The remaining 26 megahertz will be used for guard bands. For purposes of the forward auction which will follow the reverse auction, the country has been divided into 416 Partial Economic Areas, each with its own assignment of pairs of 5-megahertz blocks.

The Commission states that it is sending the "final confidential status letter" to each applicant to inform it

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For more information about or help with any of the items reported in *ANTENNA*, please contact:

**pillsbury**

1200 Seventeenth St. NW  
Washington, DC 20036

Tel: 202.663.8167

Fax: 202.663.8007

E-mail: [scott.flick@pillsburylaw.com](mailto:scott.flick@pillsburylaw.com)

# Earthquake Alerts *continued from page 1*

administers IPAWS as the national alert and warning system. IPAWS receives alerts from state, local, tribal and territorial alerting entities and aggregates them for dissemination over the Wireless Emergency Alert (“WEA”) system (transmitting to mobile phones and other mobile devices via participating Commercial Mobile Service providers) and the Emergency Alert System (“EAS”) (transmitting to broadcast, cable and satellite program distributors).

The Bureau’s initial point of inquiry concerns what it is that Congress expects to be accomplished in three seconds. From what point in the IPAWS dissemination process should latency be measured? Is it from the moment the IPAWS interface receives an alert until the alert is delivered to the public? Is it from the moment that a seismic sensor detects sufficiently severe seismic activity? Is it from the moment the alert is received by the IPAWS alert aggregator? Or is it from the moment the alert is received at the gateway of disseminating entities such as EAS participants?

The Commission wants to know how long the alert process takes as presently constituted. The Bureau asks how long it takes for an EAS participant to receive an alert formatted in CAP (the Common Alerting Protocol) from IPAWS. How long does it take the EAS participant to deliver that alert to the public? How much time elapses in transmitting an alert through the broadcast-based “daisy chain” architecture? Would it be necessary to accomplish the IPAWS alerting process via machine-to-machine communications, without human intervention, to deliver EEW to the public in less than three seconds?

The Bureau reports that the United States Geological Survey (“USGS”) is developing an EEW system called “ShakeAlert” that would focus specifically on earthquake alerts. USGS and FEMA suggest that USGS could become an

authorized alert originator to disseminate EEW to the public. The Bureau invites comment on the viability of the USGS becoming an originator and on the technical issues involved for integrating ShakeAlert with IPAWS. There is also the issue of whether a USGS-originated alert could be accomplished within three seconds.

Another matter for study is the targeting of specific geographic areas for alerts. A recent study on earthquakes and telecommunications by the Alliance for Telecommunications Industry Solutions assumed that the best method of geo-targeting an EEW would be to target the area within a circle surrounding the estimated surface location of the earthquake epicenter. The optimum length for the radius of that circle is open to question. The Bureau asks whether circle-based geo-targeting would be appropriate and feasible for EAS and other alerting platforms.

Aside from the Congressional interest in a three-second response rate, the Bureau raises the question of whether the current two-minute limit on the length of an EAS message would be too restrictive for an effective EEW. What changes in message length or content for an EEW should be considered? Would it be appropriate to alert the public of an imminent earthquake via a rapid primary message that contains the minimum information necessary to move the public to take protective action, followed later by a secondary message containing more information about the quake, and perhaps information about shelters, emergency medical facilities, clean water, etc.? What would it cost to update current alerting platforms, or to create new ones, to achieve these purposes?

Comments responding to this Public Notice should be filed in Docket 16-32 by May 9. The deadline for reply comments is June 8.

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# Reverse Bidding Begins May 31 *continued from page 1*

that (1) the station is qualified to bid in the clock phase of the auction; (2) the station is not qualified because no initial commitment was made; (3) the station is not qualified because the commitment(s) made for that station could not be accommodated; or (4) the station is not qualified because the Auction System has determined that the station is not needed to meet the initial or any subsequent clearing target. Stations that currently broadcast on spectrum that will be converted to wireless use and that wish to continue to operate will be repacked into the lower channels after the auction.

Applicants who are disqualified for any reason, or who enter the auction but decline to bid, are reminded that they remain subject to the Commission’s rules prohibiting certain communications about their bidding or not bidding until the completion of the forward auction. Even a simple indication that an applicant is merely not bidding may be deemed to violate this prohibition.

To help applicants prepare for the auction, the FCC will publish a document entitled “FCC Incentive Auction Reverse Auction Bidding System User Guide,” which will be available on the Commission’s website beginning on May 5. An online tutorial will be available beginning May 18. Applicants will have an opportunity to preview the circumstances of their applications during a Bidding Preview Period on May 23 and 24. Authorized bidders will be able to log into the auction system to see their station’s bidding status, the initial relinquishment option assigned to the station, and available bid options with associated vacancy ranges and next round clock price offers. Commission staff will conduct a Clock Phase Workshop on May 24 that will be available live online and recorded for later online access. Applicants are also invited to participate in a mock auction on May 25 and 26.

# Pre-Auction Repacking Expenses Reimbursable

The FCC has issued a *Declaratory Ruling* to clarify that the Spectrum Act's mandate to reimburse television stations for reasonable expenses they incur in connection with the post-incentive-auction repacking process may cover expenses actually incurred prior to the close of the auction. This ruling comes in response to a number of queries from interested parties who suggested that it would be helpful to accomplish some of the tasks related to moving and reconstructing stations (such as studying or reinforcing towers) prior to the 39-month post-auction repacking period – which is bound to be very hectic.

The Spectrum Act requires the FCC to reimburse television licensees for “costs reasonably incurred” in relocating to new channels assigned in the repacking process. Reimbursements must come from the \$1.75 billion Broadcaster Relocation Fund within three years of completion of the forward auction. Following the close of the forward auction and release of the new television channel plan, entities seeking reimbursement will present an estimate of their costs to the FCC's Media Bureau. The Bureau will compare the estimates to its Catalog of Eligible Expenses and make its judgments as to what costs are reasonable. The

Bureau will allocate funds to each eligible entity and reimbursement will be made as expenses are incurred.

The Bureau has determined that although the statute imposes a deadline on when the Commission must complete making reimbursements, there is no restriction as to the time for when the expenses may be incurred or the facilities actually modified or replaced. However, the Commission warned that there is no guarantee that an entity will receive any specific amount of money. Only stations that are ultimately reassigned to a new channel in their pre-auction band in the repacking process will be eligible for reimbursement. If it turns out that the station goes silent or does not change channels, it will not have any legitimate expenses to be reimbursed. The expense must be directly related to the need to repack. The Commission also emphasized that this expansion of the time when expenses may be reimbursable does not expand the kinds of expenses that will be favorably treated. Eligibility for reimbursement will be based on the guidance in the Catalog of Eligible Expenses and the Bureau's case-by-case review of whether specific expenses qualify for reimbursement.

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## FCC Posts Hispanic Television Study

The FCC has posted on its website for public review a comprehensive study of how Hispanic ownership of television stations may affect programming aired by those stations. The study's objective was to examine the nexus between ownership, programming and viewing in order to expand the discussion and understanding of these relationships among Hispanic television station owners and Hispanic audiences. The study was conducted by the Office of Strategic Planning and Policy Analysis and the Media Bureau's Industry Analysis Division.

Sources of data for this study included the enlarged Form 323 broadcast ownership reports for recent years and Nielsen Company audience measurements from the 39 geographic television markets (excluding Puerto Rico) in which Nielsen measures Hispanic audiences separately.

Highlights of the study's findings include that:

- Hispanic-owned independent and Hispanic-owned network affiliate stations have higher ratings of local Spanish-language programming.

- Large Spanish-language networks and stations affiliated with the Big-4 networks are popular among Hispanic viewers.
- Hispanic viewers watch more local Spanish-language news programming compared to programs that are not local Spanish-language news.
- Hispanic television station ownership is correlated with higher ratings among Hispanic viewers relative to stations that are not Hispanic-owned.
- Spanish-language programming and local programming are more likely to be shown on Hispanic-owned stations than other types of programming.

The complete *Hispanic Television Study* is available for review and download on the FCC's website at [https://www.fcc.gov/media/peer\\_review/peerreview](https://www.fcc.gov/media/peer_review/peerreview). The study is currently undergoing peer review. Upon conclusion of the peer review process, the Commission anticipates opening a filing window for public comment on the peer review and the final study.



# DEADLINES TO WATCH



## License Renewal, FCC Reports & Public Inspection Files

- June 1, 2016 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, District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia** and **Wyoming**.
- June 1, 2016 Deadline to file Biennial Ownership Report for all noncommercial radio stations in **Michigan** and **Ohio**, and non-commercial television stations in **Arizona, District of Columbia, Idaho, Maryland, Nevada, New Mexico, Utah, Virginia, West Virginia** and **Wyoming**. (The FCC has amended its rules so as to reschedule this filing date for December 1, 2017, pending review by the Office of Management and Budget. As of this writing, that review has not been completed. Until OMB approves the new forms, the prior rule and schedule will remain in effect.)
- June 1, 2016 Deadline for all broadcast licensees and permittees of stations in **Arizona, District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, 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).
- June 1, 2016 Deadline to file EEO Broadcast Mid-term Report for all radio stations in employment units with more than 10 full-time employees in **Michigan** and **Ohio**; and all television stations in employment units with five or more full-time employees in **District of Columbia, Maryland, Virginia** and **West Virginia**.
- July 10, 2016 Deadline to place Issues/Programs List for previous quarter in public inspection file for all full service radio and television stations and Class A TV stations.
- July 11, 2016 Deadline to file quarterly Children's Television Programming Reports for all commercial full power and Class A television stations.

## Deadlines for Comments In FCC and Other Proceedings

Docket	Comments	Reply Comments
(All proceedings are before the FCC unless otherwise noted.)		
Docket 16-56; NPRM Unlicensed white space devices	May 6	June 6
Docket 16-32; Public Notice Earthquake Warning	May 9	June 8
Copyright Royalty Board Docket 15-CRB-0010-CA Royalty rates for statutory license for cable carriage of distant signals	May 17	N/A
Docket 16-42; NPRM Competition in provision of television navigation devices		May 23
Docket 16-142; Public Notice Request for comments re Petition for Rulemaking to allow implementation of ATSC 3.0	May 26	June 27
Docket 15-94; NPRM Emergency Alert System enhancements	June 8	July 8
Docket 11-43; NPRM Video description	FR+30	FR+60

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

## 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	Present Station	Proposed Channel	Channel	Comments	Reply Comment
Tolleson, AZ	KPPX-TV	51	31	May 27	June 13
Cordele, GA	WSST-TV	51	22	May 27	June 13

## TELEVISION SPECTRUM REVERSE AUCTION AUCTION 1001

Bidding Tutorial	Available online May 18, 2016
Bidding Preview	May 23, 2016, 10:00 AM ET to May 24, 2016, 6:00 PM ET
Clock Phase Workshop	May 24, 2016, 10:00 AM-1:00 PM ET
Mock Auction	May 25 - May 26, 2016
Clock Phase Bidding	Commences May 31, 2016



# DEADLINES TO WATCH



## 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 authorization, Form 601	May 9
Carriage of digital television signals by small cable systems	May 13
Open video systems, Form 1275	May 13
Class A television service	May 13
Commercial earth stations and space stations, Forms 312, 312-EZ, 312-R	May 13
LPTV transmission system modifications, Section 73.751	May 16
LPTV channel-sharing agreements, Section 74.800	May 20
LPTV construction permit application, Form 2100, Schedule C	May 23
Transmission system modifications, Sections 73.3538, 73.1690	May 23
Auction application, Form 175	May 31
Reverse Incentive Auction application, Form 177	May 31
Broadcast equipment performance measurements, Section 73.1590	June 14
Accessibility features in digital apparatus and navigation devices, Sections 79.107, 79.108, 79.110	June 14

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

The FCC has accepted for filing the AM and FM applications identified below proposing to change each station's community of license. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is May 16, 2016. Informal objections may be filed anytime prior to grant of the application.

Present Community	Proposed Community	Station	Channel	Frequency
Tignall, GA	Westminster, SC	WMYQ	244	96.7
Belgrade, MT	Three Forks, MT	KGCM	215	90.9
Three Forks, MT	Walkerville, MT	KMTZ	299	107.7
Milan, NM	Eldorado, NM	KRKE(AM)	N/A	1080
New Bern, NC	Winterville, NC	WNOS(AM)	N/A	1450
Fargo, ND	Kindred, ND	KPFX	300	107.9
Kindred, ND	Breckenridge, MN	KZDR	224	92.7
Manzanita, OR	Lincoln Beach, OR	KHKF	248	97.5
Conroe, TX	Willis, TX	KAJR	202	88.3
Willis, TX	Huntsville, TX	KVST	259	99.7
Dayton, WA	Island City, OR	New	272	102.3
Westport, WA	Raymond, WA	KBSG	211	90.1

The deadline to file comments about the following applications is June 21, 2016.

Brewton, AL	Pace, FL	WOWB	215	90.9
Metter, GA	Portal, GA	WBMZ	279	103.7
Portal, GA	Brooklet, GA	WXRS-FM	263	100.5
Gooding, ID	Kuna, ID	KRXX(AM)	N/A	1470
Rexburg, ID	Sugar City, ID	KIDJ	292	106.3
Benavides, TX	Driscoll, TX	KOUL	299	107.7
Chehalis, WA	Rainier, WA	KACS	213	90.5

## FILING WINDOW FOR "250-MILE" FM TRANSLATOR MODIFICATIONSTO BECOME AM FILL-IN TRANSLATORS

Class C and Class D AM Stations	Now - July 28, 2016
All AM Stations	July 29 - Oct. 31, 2016

## Rulemakings to Amend FM Table of Allotments

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

Community	Channel	MHz	Comments	Reply Comments
Maryville, MO	285C3	104.9	May 2	May 17
Raymond, WA	300A	107.9	May 16	May 31



## Lowest Unit Charge Schedule for 2016 Political Campaign Season

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

State	Election Event	Date	LUC Period
Guam	Democratic Pres. Primary	May 7	Mar. 23 - May 7
Nebraska	Pres. & State Primary	May 10	Mar. 26 - May 10
West Virginia	Pres. & State Primary	May 10	Mar. 26 - May 10
Idaho	State Primary	May 17	Apr. 2 - May 17
Kentucky	Dem. Pres. & State Primary	May 17	Apr. 2 - May 17
Oregon	Pres. & State Primary	May 17	Apr. 2 - May 17
Georgia	State Primary	May 24	Apr. 9 - May 24
Virgin Islands	Dem. Presidential Caucus	June 4	Apr. 20 - June 4
Puerto Rico	Dem. Pres. & Terr. Primary	June 5	Apr. 21 - June 5
California	Pres. & State Primary	June 7	Apr. 23 - June 7
Iowa	State Primary	June 7	Apr. 23 - June 7
Montana	Pres. & State Primary	June 7	Apr. 23 - June 7
New Jersey	Pres. & State Primary	June 7	Apr. 23 - June 7
New Mexico	Pres. & State Primary	June 7	Apr. 23 - June 7
North Dakota	Democratic Pres. Caucus	June 7	Apr. 23 - June 7
South Dakota	Pres. & State Primary	June 7	Apr. 23 - June 7
District of Columbia	Dem. Pres. & State Primary	June 14	Apr. 30 - June 14
Maine	State Primary	June 14	Apr. 30 - June 14
Nevada	State Primary	June 14	Apr. 30 - June 14
North Dakota	State Primary	June 14	Apr. 30 - June 14
South Carolina	State Primary	June 14	Apr. 30 - June 14
Virginia	State Primary	June 14	Apr. 30 - June 14
Colorado	State Primary	June 28	May 14 - June 28
New York	State Primary	June 28	May 14 - June 28
Oklahoma	State Primary	June 28	May 14 - June 28
Utah	State Primary	June 28	May 14 - June 28
Kansas	State Primary	Aug. 2	June 18 - Aug. 2
Michigan	State Primary	Aug. 2	June 18 - Aug. 2
Missouri	State Primary	Aug. 2	June 18 - Aug. 2
Washington	State Primary	Aug. 2	June 18 - Aug. 2
Tennessee	State Primary	Aug. 4	June 20 - Aug. 4
Virgin Islands	Territorial Primary	Aug. 6	June 22 - Aug. 6
Connecticut	State Primary	Aug. 9	June 25 - Aug. 9
Minnesota	State Primary	Aug. 9	June 25 - Aug. 9
Vermont	State Primary	Aug. 9	June 25 - Aug. 9
Wisconsin	State Primary	Aug. 9	June 25 - Aug. 9
Hawaii	State Primary	Aug. 13	June 29 - Aug. 13
Wyoming	State Primary	Aug. 16	July 2 - Aug. 16
Guam	Territorial Primary	Aug. 27	July 13 - Aug. 27
Arizona	State Primary	Aug. 30	July 16 - Aug. 30
Florida	State Primary	Aug. 30	July 16 - Aug. 30
Massachusetts	State Primary	Sep. 8	July 25 - Sep. 8
Delaware	State Primary	Sep. 13	July 30 - Sep. 13
New Hampshire	State Primary	Sep. 13	July 30 - Sep. 13
Rhode Island	State Primary	Sep. 13	July 30 - Sep. 13

## Tower Construction Restricted in Northern Long-Eared Bat Range

Under the auspices of the Endangered Species Act ("ESA"), the U.S. Fish and Wildlife Service ("USFWS") placed the northern long-eared bat ("NLEB") on the endangered species list in April 2015. Bat populations have dwindled substantially due to the continued spread of white-nose syndrome and the loss of habitat. In January of this year, USFWS adopted a rule requiring protective measures to benefit the NLEB. The FCC's Wireless Telecommunications Bureau has released a Public Notice to inform the owners and proponents of communications towers about required and recommended measures they need to take to comply with the USFWS rule.

The NLEB lives in forests and hibernates in caves, mines and other locations. The bat's range includes the District of Columbia and all or a portion of the following states: Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

The registration and licensing of communications towers trigger environmental obligations for the FCC. The Commission is able to meet some of these obligations by delegating certain responsibilities to the communications industries through the regulations that it imposes on them. Hence, all tower construction projects within the NLEB's range must comply with the USFWS process for federal actions. These procedures are described in detail on the USFWS's website at this address:

<http://www.fws.gov/Midwest/endangered/mammals/nleb/KeyFinal4dNLEBFedProjects.html>

If a project is deemed to have a potential effect on the NLEB, consultation with the USFWS will be required. This consultation must be initiated with the USFWS by the FCC. The project's proponent will be consulting as a "designated non-Federal entity." When the consultation has been completed, the applicant must submit the resulting "Biological Opinion" with an environmental assessment as part of its application to the FCC.

# Petitioners Seek Rulemaking on Next Generation TV continued from page 1

(1) To adopt the Next Generation TV transmission standard as a new, optional standard for television broadcasting.

(2) To permit local simulcasting by pairs of stations to enable Next Generation TV to be deployed while ensuring that broadcasts in the current ATSC 1.0 standard remain available to the public.

(3) To grant Next Generation TV parity with the current DTV standard and generally conform all of the agency's rules to permit the deployment of the new standard.

The petitioners describe Next Generation TV as consisting of "three 'layers.' Each layer itself will incorporate multiple standards. The entire suite of standards will be organized into a 'parent' standard, . . ."

(1) The foundational physical layer defines the core transmission system. ATSC unanimously approved the operationally significant System Discovery and Signaling portion of the standard on March 23. Operating with this standard, broadcasters will have multiplexing capabilities that will allow them, for instance, the flexibility to offer ultra-high definition video to fixed receivers while simultaneously providing robust mobile services.

(2) The management and protocols layer connects the physical layer with the presentation layer. It supports service delivery and synchronization, service announcement and personalization, interactive services and companion-screen services. This layer specifies Internet Protocol ("IP") transport for delivery of streaming broadcast video, audio and file content. This allows full integration of the broadcast service with Internet services. The use of IP also permits the broadcast station to localize and personalize its services.

(3) The applications and presentation layer conveys the elements that the audience sees and hears.

According to the petitioners, this technology will enable television broadcasters to upgrade their services to the public, producing features such as:

- Visually stunning pictures on large-screen televisions with superior reception.
- Broadcast programming with multiple consumer-friendly features, such as interactivity and personalized audio, which exceed those available with the current broadcast standard.
- Access to unlimited viewing of all genres of programming via mobile and handheld devices.
- Seamless integration of broadcast programming with other IP services, with the ability to provide state-of-the-art security for content.
- Advanced emergency alert information supported with live presentations by reporters and public safety officials.
- Datacasting that will give content providers another method for distributing large video and other digital files to consumers, and provide enhanced opportunities

for education and public safety.

- The ability to geographically target news, weather, advertising and other programming to better serve subsets of the audience.

ATSC 3.0 is not backward-compatible with the ATSC 1.0 standard currently in use by broadcast television. That means that the public would not be able to use receivers with the tuners currently in place to watch programming delivered with the Next Generation TV signal. Therefore, even if all television stations upgraded to Next Generation TV technology at the same time, there would remain the problem of the inadequate supply and market penetration of the new receivers for the public. To address this problem, the petitioners propose a system in which two stations with substantially the same coverage patterns would cooperate with each other to use their digital multicast channels to broadcast each other's programming. One station would operate in ATSC 1.0 and one would transmit with ATSC 3.0. All programming would be available to the public in both formats without the need for additional spectrum. The petitioners do not predict the length of time that would be needed to achieve market saturation of ATSC 3.0 receivers and then no longer require ATSC 1.0 transmissions. Whenever that occurs, the ATSC 1.0 stations would be free to upgrade their facilities to ATSC 3.0 and each station would go back to airing its own programming.

The petitioners assert that the transition could be easily managed. The interference characteristics of the two systems are similar enough that they can be operated by different stations in the same area and in the same band using the existing interference rules and allotments. The turnovers in both industry and consumer equipment would be optional and market-driven.

The petitioners posit that the FCC would not need to do any of the following:

- Modify the DTV emission mask or other spectral emission criteria applicable to DTV signals.
- Assign companion or transition channels to licensees (as occurred in the transition from analog to digital).
- Mandate Next Generation TV tuners in receivers.
- Subsidize converter devices or adapters (as occurred in the transition from analog to digital).
- Modify any of its broadcast service or operational rules other than for minor conforming changes.

The petitioners encourage the Commission to act promptly on these proposals so that this new technology can be available for broadcasters to incorporate into their plans for rebuilding their stations in the post-auction repacking environment.

Comments from the public are due by May 26. Reply comments are due by June 27. This proceeding has been identified as Docket 16-142.

# Station Fined and Renewed for Short Term for Unauthorized Silence

The FCC's Media Bureau has proposed a \$5,000 forfeiture against noncommercial FM station WHYC, Swan Quarter, North Carolina, for eight periods of unreported and/or unauthorized non-operation during an eight-year license term. Section 73.561 of the FCC's rules requires a station to notify the FCC if it is silent for 10 days or longer. If the off-air period lasts 30 days or longer, the station must request a special temporary authority to remain silent ("STA"). WHYC is licensed to the Hyde County Board of Education.

This proceeding began in February 2010 when the Bureau sent a letter to the station to inform it that the license had expired as a matter of law pursuant to Section 312(g) of the Communications Act because it had been silent for more than 12 months – since September 5, 2006, according to the Commission's records. The licensee filed a Petition for Reconsideration, demonstrating that the FCC's records were incomplete, and asserting that the station had never been off the air for a period longer than 12 consecutive months. The School Board also requested a STA to resume broadcasting immediately, which the Bureau granted.

Subsequently, the School Board filed a timely license renewal application in July 2011. From disclosures in the renewal application, as amended, the Bureau determined that during the license term ending November 30, 2011, the station had been silent on each of four occasions for at least 30 days without authorization, and on four other occasions, for at least 10 days without timely notifying the Commission. In some of these incidents, the School Board did eventually notify the Commission, but not in keeping with the time frame required by the rule. In each case, the station was off the air due to technical problems or to avoid causing interference to local television reception prior to the digital television transition. In a *Notice of Apparent Liability for Forfeiture*, the Bureau said that it applauded the School Board's efforts to resolve these problems, but nonetheless found the licensee guilty of willful and repeated violation of Section 73.561. Section 1.80 of the agency's rules establishes \$5,000 as the base forfeiture for unauthorized discontinuance of operation. The Bureau found no reason to adjust that figure, and it proposed the full amount as the forfeiture for this offense.

In the license renewal application, the School Board also disclosed that it had failed for the entire license term to maintain quarterly issues and programs lists in its public inspec-

tion file. The base amount of the fine for this violation is \$10,000, and the Bureau proposed that figure. Further, the School Board said that it had been unaware of the requirement to file biennial ownership reports, and so had not filed any during the license term. The Bureau proposed to impose the standard fine for this infraction as well, which is \$3,000. In sum, the total proposed forfeiture amounted to \$18,000 for these violations, all of which the Bureau characterized as willful and repeated.

Responding to the School Board's March 2010 Petition for Reconsideration of the rescission of the license for WHYC and the 2011 license renewal application, the Bureau issued an accompanying *Memorandum Opinion and Order*. The Bureau said that "It is clear to us that the [School] Board's conduct prior to filing the renewal application fell far short of that which would warrant routine license renewal." The Communications Act provides that in evaluating a license renewal application, if the Commission finds (1) that the station has served the public interest, convenience and necessity; (2) there have been no serious violations of the Act or the rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, the application should be granted and the license renewed. However, if the licensee fails to meet that standard, the Commission may deny the application after notice and opportunity for a hearing, or grant the application on terms and conditions that are appropriate, such as renewal for less than a full term.

In this case, the Bureau determined that rather than designating a hearing, a short-term renewal for two years (rather than the full eight-year term) was an appropriate sanction. The Bureau based its conclusion on these factors: (1) the School Board appeared to have made a good-faith effort to apprise the FCC of the station's operational status; (2) the licensee is an educational institution, and thus the station is not required to operate on days when the school is not in session – complicating calculations for when silent notices or STA requests are required; (3) the station has operated virtually at all required times since November 2010; (4) all of the silent periods were related to technical or interference issues; and (5) since discovering the violations, the licensee has complied with the rules.

The Bureau said it would grant the license renewal for the shortened two-year term upon the conclusion of the forfeiture proceeding (i.e., when the fine is paid).

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