

FCC Proposes to Eliminate Main Studio Rule

The FCC has proposed to eliminate the “main studio rule” in a *Notice of Proposed Rulemaking* in Docket 17-106. The Commission implemented this rule nearly 80 years ago to facilitate communication between members of the local public and broadcast stations, and to encourage broadcaster participation in community activities. The Commission has tentatively concluded that with today’s widespread availability of electronic communications, these contacts can be maintained without the physical presence of a local broadcast studio in the community.

Another function of the main studio has been to serve as the required site for the station’s public inspection file, providing a local venue for community members to review the contents of the public file. However, the relevance of this convenience factor for the public is also diminishing with the Commission’s establishment of an Internet website for public files so that they can be viewed online anywhere there is an Internet connection. Television stations and larger major market radio stations presently are required to maintain their public files on the FCC-hosted website, and all other radio stations will also be required to do so as of March 1, 2018.

Section 73.1125(a) of the Commission’s rules presently requires each AM, FM, full power television and Class A TV station to maintain a facility identified as its “main studio.” The main studio must be located (1) within the station’s community of license, (2) within the principal community contour of any AM, FM or TV broadcast station licensed to the station’s community of license, or (3) within

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Media Rules Reviewed for Modernization

The FCC has initiated a general review of its regulations applicable to media entities, including broadcasters and multi-channel video programming distributors. The announced objective of this proceeding is to eliminate or modify regulations that are outdated, unnecessary or unduly burdensome. The Commission invites public comment as to what rules should be modified or repealed. The agency is especially interested to learn about how to provide regulatory relief to small businesses. Commenters are asked to specifically identify the rules that they believe should be modified or eliminated and explain why.

The Public Notice launching this proceeding included a comprehensive list of the parts of the FCC’s rules open to review. It appears to include most of the rules that affect broadcasting. The list includes the following Parts of Title 47 of

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FM Translator Filing Window Will Be July 26 – August 2

The FCC has announced that the first promised filing window for AM stations to file applications for new fill-in FM translator stations will open on July 26 and close on August 2. This will be an auction filing window limited to the licensees and permittees of Class C and Class D AM stations that did not participate in the two 2016 filing windows for AM stations to request extraordinary modifications for FM translators to reposition them to qualify as fill-in translator stations.

After the filing window closes, mutually exclusive applicants will have an opportunity to resolve their conflicts via settlements or technical amendments. Shortly thereafter, the Commission will open a second filing window in which all AM stations that did not participate in the first window or the 2016 windows will be eligible to file applications for fill-in translator stations. This window will also be followed by a period for resolving conflicts by way of settlements or technical amendments. Applications from both windows that remain in conflict with other applications after the second

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Displacement Procedures Set for LPTV During Repack

The FCC's Incentive Auction Taskforce and the Media Bureau have released a Public Notice to announce the procedures governing the displacement of low power television and television translator stations (collectively in this article, "LPTV") during the post-auction transition and repacking of stations in the reduced television band – channels 2 through 36. LPTV stations that are displaced by new wireless services on channels 38 through 51 or by the repacking of full power and Class A stations on channels 2 through 36 will have a special filing window for submitting their displacement applications after full power and Class A stations have had an opportunity to apply for their preferred post-auction facilities. This filing window will probably occur sometime next winter.

On April 13, 2017, the Commission officially announced the closing of the Incentive Auction and released the new allotment plan for full power and Class A television stations that will remain on the air. LPTV stations presently on channels 2-36 can refer to this plan to determine whether they have been displaced by it. It can be accessed online at http://data.fcc.gov/download/incentive-auctions/Transition_Files/.

Full power and Class A stations that have been reassigned to new channels must file construction permit applications by July 12, 2017. Shortly thereafter, the Media Bureau will announce the schedules for two 30-day filing windows for full power and Class A stations to seek alternate channels and/or expanded facilities. The first of these will be a window for certain groups of stations with "priority." Shortly after the close of the priority filing window, the second 30-

day filing window will open for any other reassigned or band changing full power or Class A station to file a modification application.

Upon the close of that second filing window, the television band database should be stable enough to permit displaced LPTV stations to find safe open channels for their use and to apply for them. The Commission will publish a list of such available channels and announce the dates for a 30-day Special Displacement Filing Window for displaced LPTV stations to submit their applications at least 60 days before the window opens. The Taskforce estimates that this Displacement Window Public Notice will be released approximately seven to eight months after April 13 – the release date of the Public Notice about the closing of the auction. That would put the Displacement Window Public Notice in November or December, and the opening of the Special Displacement Filing Window in January or February 2018.

To be eligible for the Special Displacement Filing Window, an LPTV station must be both "operating" and "displaced." "Operating" LPTV stations are those that had a license or an application for a license on file with the FCC as of April 13, 2017. To be "displaced," an LPTV station must be licensed on the spectrum that is being allocated away from television broadcasting on channels 38-51, or be subject to displacement by a full power or Class A station repacked on channels 2-36. Stations that do not qualify to participate in this filing window may file applications after the window closes.

Displaced LPTV stations that intend to share a channel

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Media Rules Reviewed for Modernization *continued from page 1*

the Code of Federal Regulations:

Part 1: Practice and Procedure

Part 15: Radio Frequency Devices

Part 17: Construction, Marking and Lighting of Antenna Structures

Part 25: Satellite Communications

Part 73: Radio [and Television] Broadcast Services

Part 74: Experimental Radio, Auxiliary, Special Broadcast and Other Program Distributional Services

Part 76: Multichannel Video and Cable Television Service

Part 78: Cable Television Relay Service.

The Commission explained that because it is required by statute to review its media ownership rules (Sections 73.3555 and 73.658) every four years, those regulations are excluded from consideration in this proceeding. Part 79 (Accessibility of Video Programming) is also excluded from this proceeding because many of those rules were recently adopted under complex requirements of the Twenty-First Century Communications and Video Accessibility Act of

2010. Notably absent from this list – without reference or explanation – is Part 11 (Emergency Alert System).

Commissioner Mignon Clyburn dissented from the adoption of this Public Notice and issued a separate statement. She said that she supports the concept of objective review of the agency's rules to ensure that they continue to serve the public interest. She cited a provision of the Communications Act that instructs the FCC to "determine whether any such regulation is no longer necessary in the public interest, as the result of meaningful economic competition between providers of such service." She asserted that this Public Notice turns that mandate "on its head, by ignoring the basic question of whether the regulations subject to this review remain in the public interest." She observed instead that an underlying premise of this proceeding seems to be a preconception, without in-depth review, that many of the existing rules should be modified or eliminated. She sees the word "modernization" in the title of this proceeding as a code word for "deregulation."

Comments are due in this proceeding, Docket 17-105, by July 5. The deadline for reply comments is August 4.

Non-Reimbursable Stations Must File Reports Too

Earlier this year, the FCC's Media Bureau adopted transition progress reporting requirements for television stations that are eligible to receive reimbursement of transition-related expenses from the TV Broadcast Relocation Fund. At the time, the Bureau left open the question of whether to require such reports of stations that will be changing their facilities as part of the post-auction transition, but which are not eligible to receive reimbursement. The Bureau has now released a Public Notice announcing that all such stations will be subject to the same reporting requirements as the stations eligible for reimbursement.

Ineligible stations include (1) reverse auction winners on bids to move to the low or high VHF band, (2) otherwise eligible stations that accept a waiver of the FCC's service rules to allow them to make flexible use of their reassigned

channel to provide non-broadcast services in lieu of receiving reimbursement, and (3) certain displaced Class A stations that were not protected in the repacking process.

The Commission reasoned that it and the various stakeholders in the transition process need to know and assess the status of the changes in facilities for these stations just as much as the status for stations that receive reimbursement. These reports are to be filed on Form 2100, Schedule 387. Reports must be filed quarterly by the 10th day of the following quarter, beginning with the third quarter of 2017. In addition, reports are due 10 weeks before the end of the station's assigned construction deadline, within 10 days after construction of the post-auction facilities is completed, and five days after the cessation of broadcasting on the pre-auction channel.

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25 miles of the reference coordinates of the center of the station's community of license. The station must maintain meaningful management and staff presence at the main studio, which has been defined as at least two staff members working at the studio on a full-time basis, at least one of whom must be management-level. The main studio must also be equipped with program production and transmission capabilities.

The Commission requests comment on its tentative conclusion that staffing to accommodate visits from community members to review the public file will no longer be necessary when the transition to online public files has been completed. The agency notes that there are some exceptions to the requirement to upload the contents of existing public files to the website (such as pre-existing political files). The FCC asks how public access to such documents can be ensured if the main studio rule is abolished. How frequently do stations receive in-person visits from community members to view the public file and/or for other purposes? To what extent do members of the public communicate with the station by means other than in-person visits? If the rule is eliminated, will competitive market conditions ensure that stations will continue to be apprised of local needs and issues? What does it cost stations to comply with the main studio rule? How significant are these costs, especially for small stations? Would elimination of the rule result in stations having more resources to devote to programming? What benefits for stations and the public would be saved by retaining the rule?

The agency suggests that the requirement to maintain local program origination capabilities could be retained while jettisoning the minimum staffing mandate. How much local program-

ming do stations produce now? How would complete elimination of the rule affect the quantity of local program production?

Section 307(b) of the Communications Act requires the FCC to "make such distribution of licenses, frequencies, hours of operation, and power among the several States and communities as to provide for a fair, efficient and equitable distribution of radio service to each of the same." The Commission invites comment on whether the main studio rule is necessary to implement this statute.

Whatever happens to the principal elements of the main studio rule, the Commission proposes to retain Section 73.1125(e) which requires each station to maintain a local telephone number in its community of license or a number that can be called toll-free from the community. The agency asks how stations should be required to publicize this number in the absence of a local physical main studio. Should stations be obligated to staff this phone line with a live person during regular business hours or at all times while the station is on the air? In the alternative, is a voicemail service with prompt responses adequate for relevant interaction between the station and the public? As another alternative, the Commission suggests that each station designate a "point of contact" to respond to communications from the public.

The Commission invites comment on these questions and any others relevant to the main studio rule, including whether some parts of the rule should be retained even if others are abolished, and whether there are other possible regulatory approaches to ensuring that stations and their communities are connected. Comments in Docket 17-106 are due to be filed by July 3, and reply comments, by July 17.

FM Translator Filing Window

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settlement period will be subject to competitive bidding.

Because this filing window will lead to an auction, applicants will be subject to the anti-collusion rules. Except during permitted settlement windows, applicants will be prohibited from communicating with each other about their bids and bidding strategies until after the deadline for down payments.

Under new rules recently adopted by the Commission, the possible area for locating fill-in translators was enlarged. The translator's 60 dbu contour may now extend to the greater of the AM station's daytime 2 mV/m contour or a 25-mile radius from the AM antenna site.



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

June 1, 2017	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, 2017	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, 2017	Deadline to file EEO Broadcast Mid-term Report for all radio stations in employment units with more than 10 full-time employees in Arizona, Idaho, Nevada, New Mexico, Utah and Wyoming ; and all television stations in employment units with five or more full-time employees in Michigan and Ohio.
July 10, 2017	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 10, 2017	Deadline to file quarterly Children's Television Programming Reports for all commercial full power and Class A television stations.
August 1, 2017	Deadline to place EEO Public File Report in public inspection file and on station's Internet website for all nonexempt radio and television stations in California, Illinois, North Carolina, South Carolina and Wisconsin.
August 1, 2017	Deadline for all broadcast licensees and permittees of stations in California, Illinois, North Carolina, South Carolina and Wisconsin to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).
August 1, 2017	Deadline to file EEO Broadcast Mid-term Report for all radio stations in employment units with more than 10 full-time employees in California ; and all television stations in employment units with five or more full-time employees in Illinois and Wisconsin.

Deadlines for Comments In FCC and Other Proceedings

Docket	Comments	Reply Comments
(All proceedings are before the FCC unless otherwise noted.)		
RM-11878; Public Notice Petition for Rulemaking FM translator interference complaint process		June 14
Docket 17-134; NPRM FY 2017 Regulatory Fees	June 22	July 7
Docket 17-106; NPRM Elimination of Main Studio Rule	July 3	July 17
Docket 17-105; Public Notice Modernization of media regulation	July 5	August 4
Docket 17-108; NPRM Net neutrality	July 17	August 16
Docket 17-95; NPRM Earth stations in motion	FR+30	FR+45
FR+N means the comment filing deadline is N days after publication of notice of the proceeding in the Federal Register.		

**DEADLINE FOR TV STATIONS
REASSIGNED TO NEW FACILITIES IN
POST-AUCTION REPACK TO FILE
CONSTRUCTION PERMIT APPLICATION
AND ESTIMATE OF
REIMBURSEMENT-ELIGIBLE
RELOCATION COSTS
JULY 12, 2017**

**DEADLINE TO REQUEST WAIVER
OF REPACK CONSTRUCTION PERMIT
APPLICATION FILING DEADLINE
JUNE 12, 2017**



DEADLINES TO WATCH



Cut-Off Date 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 **June 27, 2017**. Informal objections may be filed anytime prior to grant of the application.

Present Community	Proposed Community	Station	Channel	Frequency
Sierra Vista, AZ	Catalina Foothills, AZ	KKYZ	266	101.1
Los Altos, CA	San Jose, CA	KFFG	249	97.7
Castana, IA	Whiting, IA	KILV	298	107.5
London, KY	Winchester, KY	WGWM(AM)	N/A	990
Astoria, OR	Ocean Park, WA	KLOY	204	88.7
North East, PA	Union City, PA	WMCE(AM)	N/A	1530
Union City, PA	Erie, PA	WCTL	292	106.3
Morovis, PR	Aguadilla, PR	WVOZ(AM)	N/A	1580
Naples, UT	Maeser, UT	KCUA	223	92.5
Ocean Park, WA	Vashon, WA	KWAO	201	88.1
Westport, WA	Raymond, WA	KBSG	211	90.1
Eau Claire, WI	Elk Mound, WI	WIAL	231	94.1
Elk Mound, WI	Lake Hallie, WI	WECL	225	92.9

Cut-Off Date for FM Booster Application

The CC has accepted for filing the application for a new FM booster station as described below. The deadline for filing petitions to deny this application is indicated. Informal objections may be filed any time prior to grant of the application.

Community	Parent Station	Channel	MHz	Filing Deadline
St. Johnsbury, VT	WMTK	292	106.3	July 5

**FILING WINDOW FOR NEW
FILL-IN FM TRANSLATOR APPLICATIONS
FOR CLASS C AND D AM STATIONS
OPENS JULY 26 – AUGUST 2, 2017**

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
Low power TV construction permit application, Form 2100, Schedule C (former Form 346), Sections 73.3700(g)(1)-(3), 74.787, 74.793, 74.799	Jun 12
Low power TV license application, Form 2100, Schedule D (former Form 347)	Jun 12
Commercial broadcast construction permit application, Form 2100, Schedule A, Form 301	Jun 12
Television station license application, Form 2100, Schedule B (former Form 302-DTV), Sections 73.3700(b)(3), 73.3700(h)(2)	Jun 12
Class A TV construction permit application, Form 2100, Schedule E (former Form 301-CA); Sections 73.3700(b)(1)(i)-(v) and (vii), (b)(2)(i) and (ii), 74.793(d)	Jun 12
Class A TV station license application, Form 2100, Schedule F (former Form 302-CA), Section 73.6028	Jun 12
MVPD notice, Section 73.3700	Jun 12
Channel sharing agreements, Section 74.800	Jun 12
FM broadcast license application, Form 302-FM	Jun 16
Broadcast license renewal application; Form 303-S	Jun 16
Nationwide Programmatic Agreement re review process under Station logs, Section 73.1820	Jun 19
Broadcast Station Annual Employment Report, Form 395-B	Jun 19
Rates for political candidates, Section 73.1942	Jun 30
AM broadcast license application, Form 302-AM	Jun 30
Noncommercial broadcasting, Sections 73.503, 73.621, 73.3527	Jul 3
Filing contracts, Section 73.3613	Jul 3
Environmental effects of radiofrequency exposure, Sections 1.1307, 1.1311	Jul 17
Emergency antennas, Section 73.1680	Jul 18
National Historic Preservation Act, Forms 620, 621	Jul 24
Agreements for removing application conflicts. Section 73.3525	Jul 31
DTV Ancillary/Supplemental Services Report, Form 317	Jul 31
TV Transition Progress Report, Form 2100, Schedule 387	Aug 1

FY 2017 Regulatory Fees Proposed

In a *Notice of Proposed Rulemaking* in Docket 17-134, the FCC has proposed to collect \$356,710,992 in regulatory fees for the fiscal year ending September 30, 2017. This compares to approximately \$384 million in fees for fiscal year 2016. The Commission is required by statute to collect these fees to offset the cost of operating the agency. The Commission generally seeks to impose fees in proportion to its costs associated with each regulated entity.

Commenters in the 2016 regulatory fee rulemaking proceeding asserted that the fees proposed that year for small-market radio stations were too burdensome. In response, the Commission reduced the fees in the two lowest population tiers for AM and FM radio stations. This year, the agency seeks comment on additional adjustments to the fees for small market AM and FM broadcasters. The Commission proposes to revise the ratios among the tiers so that the difference between each tier is proportional. These revised fees for radio stations in the smaller population tiers are shown in the chart below. Using the formula from 2016 would result in the fees for these stations to be about 10 percent higher.

The Commission also requests comment on the fee that would be appropriate for satellite television stations. A satellite television station is one that is co-owned with another full service stand-alone station in the same market with a waiver of the multiple ownership rules. The satellite is typically on the fringe of the market, in an area with sparse population and a limited basis for commercial viability absent its relationship with the co-owned parent station. Acknowledging the limited resources of most such stations, the Commission has set the regulatory fee for them at 35 percent of the figure imposed on stand-alone stations in markets smaller than the top 100. Although that ratio is proposed in the chart below, the Commission asks whether the satellite fee should be increased to 50 or 75 percent of the fee for the small market stand-alone station.

The deadline for filing comments in Docket 17-134 is June 22. Reply comments will be due by July 7. Whether or not to impose fees is not subject to comment because they are required by statute. However, the Commission will consider input about the methodology for setting fees and the relative fairness of how the burden of these fees is shared among the FCC's regulatees.

PROPOSED FCC REGULATORY FEES FOR FISCAL YEAR 2017

Type of Authorization	Actual FY2016	Proposed FY2017
Full Power Television		
Markets 1-10	\$ 60, 675	\$ 60,100
Markets 11-25	45,675	45,300
Markets 26-50	30,525	30,225
Markets 51-100	15,200	15,225
Remaining Markets	5,000	4,950
Construction Permit	5,000	4,950
Satellite Television Station (all markets)	1,750	1,725
Low Power TV, TV/FM Translators and Boosters	455	435
Satellite Earth Station	345	360
AM Radio Construction Permit	620	650
FM Radio Construction Permit	1,075	1,150

ACTUAL FY 2016 REGULATORY FEES FOR RADIO

Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM A, B1, C3	FM B,C,C0,C1,C2
0-25,000	\$ 990	\$ 715	\$ 620	\$ 785	\$ 1,075	\$1,250
25,001-75,000	1,475	1,075	925	1,025	1,625	1,850
75,001-150,000	2,200	1,600	1,375	1,525	2,400	2,750
150,001-500,000	3,300	2,375	2,075	2,275	3,600	4,125
500,001-1,200,000	5,500	3,975	3,450	3,800	6,000	6,875
1,200,001-3,000,000	8,250	5,950	5,175	5,700	9,000	10,300
3,000,001+6,000,000	11,000	7,950	6,900	7,600	12,000	13,750
6,000,001+	13,750	9,950	8,625	9,500	15,000	17,175

PROPOSED FY 2017 REGULATORY FEES FOR RADIO

Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM A, B1, C3	FM B,C,C0,C1,C2
0-25,000	\$ 1,050	\$ 750	\$ 650	\$ 715	\$ 1,150	\$ 1,300
25,001-75,000	1,575	1,125	975	1,075	1,725	1,950
75,001-150,000	2,375	1,700	1,475	1,600	2,600	2,925
150,001-500,000	3,350	2,525	2,200	2,425	3,875	4,400
500,001-1,200,000	5,325	3,800	3,300	3,625	5,825	6,575
1,200,001-3,000,000	7,975	5,700	4,950	5,425	8,750	9,875
3,000,001+6,000,000	11,950	8,550	7,400	8,150	13,100	14,800
6,000,001+	17,950	12,825	11,100	12,225	19,650	22,225

Displacement Procedures Set for LPTV *continued from page 3*

with another station as the sharee may file an application to propose sharing the sharer's non-displaced facilities at any time without regard to the Special Displacement Filing Window. The resulting construction permit will be good for three years.

All LPTV displacement applications will be minor change applications with no filing fees. Digital stations may propose new transmitter sites within 48 kilometers of the reference coordinates for the station's community of license. Analog stations will be restricted to a limit in relocating the antenna site of not more than 16.1 kilometers. Applicants may apply for any open channel in the band (channels 2-36), while protecting full power and Class A authorizations, applications and assignments resulting from repacking, as well as existing LPTV authorizations. With a request for a waiver from the prohibition on contingent applications, displaced LPTV applicants will be permitted to apply for channels currently occupied by full power or Class A stations but which are scheduled to be relinquished by reverse auction winners or vacated in the repacking process.

An LPTV station on channels 2-36 that finds itself displaced under the repack reassignment plan announced on April 13 need not wait for the Special Displacement Filing Window if it can make a minor change in power, antenna height and/or location that would eliminate interference to a repacked station and allow it to continue to operate on its present channel. The Commission encourages LPTV stations that can file such applications to do so as soon as possible. However, LPTV licensees considering such minor change applications must also take into account the changes that full power and Class A stations might request in the two late-summer 30-day filing windows for them to adjust their repacked facilities. At the same time, LPTV licensees are advised that to ensure a stable database for the Special Displacement Filing Window, the Commission intends to impose a freeze on the filing of LPTV minor change applications approximately 30 days prior to the Public Notice announcing the window.

All applications filed during the Special Displacement Filing Window will be considered as filed on the last day. Mutually exclusive applicants will have an opportunity to resolve their conflicts by way of settlements and technical amendments. If conflicts remain after the close of the settlement period, applications for displaced analog-to-digital replacement translators ("DRT") and new applications for new digital-to-digital replacement translators ("DTDRT") will have priority over mutually exclusive LPTV displacement applications, which will then be dismissed. Finally, LPTV applications that remain mutually exclusive with each other, and DRT and DTDRT applications that remain mutually exclusive with each other will be subject to competitive bidding. (DTDRT stations provide a fill-in service for full power stations that suffer more than the permitted one percent loss in coverage area or population as a result of the repack. They are co-owned with the parent full power station.)

LPTV construction permits resulting from displacement applications will be good for the regular three-year construction period from the date of grant. Any displaced LPTV station that is unable to complete construction of its new facilities for reasons beyond its control may file an application for a one-time 180-day extension of the permit. The deadline to request such an extension will be March 13, 2021.

The Commission confirmed its previously announced decisions to extend the digital transition period for analog LPTV stations and the construction permits for new unbuilt digital LPTV stations until one year after the close of the 39-month post-auction transition period. That extends those construction deadlines until July 13, 2021.

LPTV stations currently operating on channels 38-51 may continue to do so until the earlier of: (1) the initiation of wireless operations by any 600-MHz band wireless licensee which would receive interference from the LPTV station, or (2) the close of the transition period on July 13, 2020. Wireless licensees are required to notify LPTV stations in their service areas not less than 120 days prior to commencing their testing or operations. LPTV stations must cease broadcasting on channels 38-51 per this schedule even if they do not yet have a displacement construction permit. Generally, a wireless licensee is not going to commence operations before all of the displaced 600-MHz band full power and Class A stations in its service area have stopped broadcasting on their pre-auction channels. However, the Commission is allowing wireless licensees to begin construction and operations immediately in markets where there are no full power or Class A stations on channels 38-51 to be protected during the transition. Being a secondary service, LPTV stations on channels 38-51 in these markets are not protected and may be forced off the air by the new wireless operations even before the Special Displacement Filing Window.

LPTV stations displaced from current operations on channels 2-36 must eliminate the actual or predicted harmful interference to a repacked full power or Class A station or cease operations upon initiation of service by the full power or Class A station – even if the displaced LPTV station does not yet have a construction permit for its post-transition facilities.

Acknowledging that there may be gaps in time between authorizations for some LPTV stations, the Commission reminds stations that being off the air for more than 30 consecutive days requires a Special Temporary Authorization to be silent. The agency also observes that the license for a station that is silent for 12 consecutive months expires as a matter of law pursuant to Section 312(g) of the Communications Act unless the Commission finds that extending or reinstating the license would promote equity and fairness. The Commission does not comment about whether it would favorably consider requests to extend LPTV licenses for stations that experience silent periods longer than 12 months due to such gaps between authorizations.

FM Translator Hit for Lacking Rebroadcast Consent

The FCC's Media Bureau has entered into a Consent Decree with the permittee of FM translator station W228DF, Four Corners, Florida, to resolve an investigation concerning allegations of false certifications about station construction and consent to rebroadcast the signals of a number of other FM stations. The permittee agreed to pay a civil penalty of \$30,000.

Section 74.1284(b) of the Commission's rules provides that an FM translator station shall not rebroadcast the programs of any AM or FM station without obtaining the prior consent of the originating station. The translator construction permit application form, Form 349, requires applicants to identify the station they intend to rebroadcast and to certify that they have obtained that consent in writing.

Juan Alberto Ayala originally filed a short-form application in 2003 for the facility that became W228DF. In that application, he certified to having rebroadcast consent from WUSE, Tampa, Florida. He amended that application in 2013, and certified then that he had written consent from WPOZ, Union Park, Florida. Later in 2013, Ayala filed a long-form application, again certifying that he had rebroadcast consent from WPOZ. These applications were unopposed, and the Media Bureau issued Ayala a construction permit in March 2014. He filed an application to modify the permit in April 2015, certifying that he had consent to rebroadcast WOCL, Deland, Florida. Ayala amended this application twice, in May and October 2015, both times recertifying that he had consent to use the WOCL signal. The Commission received no objection to this modification application, and a new modified construction permit was issued.

In November 2015, Ayala proposed a new modification to the construction permit, again relying on WOCL for his input signal. Manuel Arroyo filed an Informal Objection to this application, arguing that the application should be denied because Ayala had not obtained consent from WOCL (or previously, from WPOZ). Ayala did not oppose the Informal Objection and, instead, dismissed the application.

Ayala filed a third application to modify the construction permit in February 2016. This time he certified that he had rebroadcast consent from WMGF, Mount Dora, Florida. The licensee of WMGF, Clear Channel Broadcasting Licenses, Inc., filed a Petition for Revocation of Construction Permit and Informal Objection against the application, stating that Ayala did not have its consent to rebroadcast WMGF. Again, Ayala declined to oppose the Objection. The Media Bureau dismissed the modification application, but took no action on the underlying construction permit.

Ayala submitted a fourth modification application in July 2016, certifying that he had obtained rebroadcast consent for the signal of WOTW, Windermere, Florida. Only eight days later, the licensee of WOTW, JVC Media of Florida, filed a Petition for Revocation of Construction Permit and Informal Objection on the grounds that it had not given Ayala consent to

use the WOTW signal. Without opposing the Petition, Ayala then requested that this modification application be dismissed.

In October 2016, Ayala filed a fifth application to modify his construction permit, again claiming to have permission to rebroadcast WOTW. No objection was filed against this application and the Bureau granted it. In December 2016, Ayala filed an assignment application proposing to sell the station to Elohim Group Corporation.

A license application was submitted in March 2017, against which Arroyo filed another Informal Objection. Arroyo alleged that the station had not been constructed as required by the permit, and that the license application therefore should be denied. He also alleged that, contrary to the Commission's rules, the translator was originating its own programming rather than rebroadcasting another station. In response, Ayala demonstrated that the station had been constructed properly in conformance with the permit at the time the license application was filed. However, at the time of Arroyo's investigation, the antenna and cabling had been removed from the tower and placed on a shorter nearby structure because the cable did not conform to FAA marking rules for the tower. Ayala reported that the station was now reassembled at the authorized site and that it was rebroadcasting WOTW.

The existence of these negative allegations gave rise to investigations by the Media Bureau. To save the time and resources of both the Bureau and Ayala, the parties agreed to conclude the Bureau's inquiries into these matters by entering into a Consent Decree rather than conduct further investigations and/or proceedings about Ayala's alleged rule violations.

Under the terms of the agreement, Ayala admitted to failing to inform the FCC of the temporary relocation of the station's antenna. The Bureau accepted and agreed to process the license application.

Most importantly, Ayala stipulated that he had violated the Commission's rule against false certification, Section 1.17(a)(1), in each application where he had falsely stated that he had obtained written consent to rebroadcast another station when in fact he did not have such consent. He committed this violation in six different applications.

The Bureau agreed to grant the assignment application, while Ayala agreed to be obligated to pay a civil penalty of \$30,000 from the proceeds of the sale of the station to Elohim, to be paid on the same day as the closing on the sale. If the payment of the civil penalty is not made on the closing date, or if the closing does not occur within ten days of the release of the Bureau's order approving the Consent Decree, the Bureau will rescind its grants of the license application and the assignment application.

The Bureau also agreed that upon Ayala's compliance with all of the terms of this Consent Decree, it would not use the record of the rule violations in this case in any action against Ayala.

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