

Next EAS Nationwide Test Set for September 27

The FCC's Public Safety and Homeland Security Bureau has announced that the FCC will collaborate with the Federal Emergency Management Agency ("FEMA") to conduct the next nationwide test of the Emergency Alert System ("EAS") on September 27, 2017 at 2:20 p.m. Eastern Time. All EAS participants are required to transmit the test to the public and to report their results. In the event that conditions preclude operation of the Test on September 27, the alternate date is October 4, 2017 at 2:20 p.m.

The Bureau says that the 2017 Nationwide Test will assess the reliability and effectiveness of the EAS, with special emphasis on testing FEMA's Integrated Public Alert and Warning System. This is the integrated gateway through which common alerting protocol-based EAS alerts are disseminated to EAS Participants. The test message will clearly state that the alert is only a test. The alert will be transmitted in English and Spanish, and will include both audio and the text of the test message which can be used to populate a video crawl.

The EAS Test Reporting System ("ETRS") was established for the 2016 nationwide test and will be used again this year. All participants must register on ETRS for the Test and complete Form One, or ensure that the information from 2016 on Form One is current. The ETRS is available now, and the deadline for completing Form One is August 28, 2017. Each

continued on page 8

Silent Station's License Renewal Designated For Hearing

The FCC has designated the 2012 license renewal application of WRAX(FM), Lake Isabella, Michigan, for a hearing on the question of whether it has adequately served the public interest, convenience and necessity during the past license term. The license renewal process is usually a routine staff review of forms and reports. WRAX's license renewal application attracted greater than usual attention from the Commission because the station has been on the air for only one day during each year from when its license was originally issued in 2010 until the present.

Section 312(g) of the Communications Act mandates that if a broadcast station fails to broadcast for any consecutive 12-month period, its license expires (although the FCC has the

continued on page 7

First Priority TV Filing Window Is August 9 – September 8

The FCC's Incentive Auction Task Force and Media Bureau have announced the dates for the first priority filing window for eligible full power and Class A television stations seeking to modify their post-auction assignments. The filing window will open on August 9 and close on September 8, 2017, at 11:59 p.m. Eastern Time.

All full power and Class A stations that are subject to modifications due to the post-auction repacking process were to file construction permit applications for those modifications by July 12. The Commission promised to follow that up with two filing windows for certain eligible stations to file applications to resolve problems and/or propose improvements in their facilities. This will be the first of those filing windows.

This filing window is limited to the following categories of stations:

(1) The 25 reassigned stations that were granted waivers of the July 12 filing deadline because they were unable to construct the facilities that had been assigned to

continued on page 8

IN THIS ISSUE

Repack Costs.....	2
GMR Extends Licenses.....	2
Horror Inspection.....	3
Deadlines to Watch.....	4-5
First Amendment Pix.....	6
Video Description.....	7

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

Estimated Repack Costs Exceed Funding

All television broadcasters and multichannel video programming providers (“MVPDs”) eligible to receive reimbursement for their expenses resulting from changes imposed by the post-auction repacking process were to submit their estimates for those costs to the FCC by July 12. In creating the Incentive Auction, Congress allocated \$1.75 billion from auction proceeds to the TV Broadcaster Relocation Fund to be used to reimburse eligible parties for these expenses. The FCC has announced that it received estimates totaling more than \$2.1 billion.

Legislation has been introduced in Congress to address this projected shortfall. In the House of Representatives, Congressman Frank Pallone (D-N.J.) has introduced, with bipartisan cosponsors, the Viewer Protection Act of 2017 (H.R. 3347). This bill would create a \$1 billion Viewer Protection Fund to supplement the TV Broadcaster Relocation Fund, if needed. Funds would be disbursed upon certification by the FCC to the Treasury Department that the money is needed to prevent substantial loss of television service to the public. Money remaining in the Viewer Protection Fund could be used to reimburse FM stations, MVPDs and even low power television stations for expenses incurred in implementing modifications resulting from the post-auction television repack.

Senator Jerry Moran (R-Kan.), also with bipartisan cosponsors, has offered a similar bill in the Senate, the Viewer and Listener Protection Act of 2017 (S. 1632). Funds are to be used as needed to supplement the TV Broadcaster Relocation Fund to assist both television (full power and Class A) and radio stations in meeting the costs incurred in connection with the repack. The bill does not limit the amount of money to be used for these purposes, but it does require this spending to conclude by the end of fiscal year 2022. This bill would not cover low power television, but it does have an expansive definition for radio stations that could receive reimbursement if needed – including FM, AM and FM translators.

Both bills would authorize the FCC to extend the 39-month post-auction transition period on a case-by-case basis for specific stations that are unable to complete the transition within the 39-month period for reasons beyond their control. Both bills would also authorize the FCC to impose sanctions on stations that fail to complete the transition within the assigned time frame except due to reasons beyond their control. No action has yet been taken on either bill.

As Litigation Continues, GMR Agrees to Extend Interim Music Licenses

The Radio Music License Committee (“RMLC”) (representing most commercial radio stations in the country) and Global Music Rights (“GMR”), the newest performing rights organization (“PRO”), have been locked in litigation since last winter concerning allegations of antitrust violations, monopolistic business practices and price gouging. The RMLC seeks to establish a court-supervised process for setting GMR’s license fees, such as arbitration. GMR wants the court to enjoin the RMLC from negotiating for all of its member stations in an allegedly illegal combine. The RMLC sued GMR in federal court in Philadelphia. GMR sued the RMLC in federal court in Los Angeles. Much of the dispute to date has centered around which court should retain jurisdiction over this litigation and the matters in question.

GMR is seeking to establish itself as middle-man purveyor of copyright licenses from writers, composers and artists to copyright users like radio stations. It intends to compete with and disrupt the customary business of ASCAP, BMI and SESAC. Unlike ASCAP and BMI, which are subject to the restrictions of court-supervised consent decrees, GMR can take an unfettered approach to licensing and pricing. RMLC claims that GMR’s license fees are substantially and unfairly higher than those of ASCAP and BMI.

At the end of 2016, as the sale of licenses lagged, GMR was threatening to sue radio stations in January that were broadcasting its music without a license. That threat triggered RMLC’s suit, but also eventually led to an interim compromise position. GMR agreed to offer “interim” licenses to radio stations for a nine-month term from January through September 30, 2017. GMR says that over 1,000 radio stations took advantage of the opportunity to obtain the interim license. It was hoped that the conflict could be resolved and more permanent licensing arrangements developed by the end of September.

However, the stalemate continues as the summer winds down and the outlook for a resolution by September 30 is dim. In the face of this dilemma, the RMLC asked the court to order GMR to extend the interim licenses. At first GMR opposed this proposal. However, it has now agreed to offer extensions of the interim licenses for radio stations until March 31, 2018. This will continue to operate as a temporary escape valve to reduce confrontation at the station level while the organizations continue to litigate or come to a settlement.

A searchable listing of GMR’s repertory can be found on GMR’s website at <http://globalmusicrights.com/>.

Long List of Violations Earns Station \$66K Fine

Upon finding numerous violations of the Commission's operating rules for broadcast stations, and the station's failure to respond to Commission correspondence about those violations, the FCC has issued a *Notice of Apparent Liability for Forfeiture and Order* ("NAL") against noncommercial FM station KIBH-FM, Seward, Alaska, proposing to fine the station \$66,000.

An agent from the Anchorage Office of the FCC's Enforcement Bureau inspected the station on June 18, 2013. In the course of an apparently very thorough inspection, a number of infractions came to light, including violations of several EAS rules, failure to maintain a public inspection file, failure to staff the main studio and inadequate controls for monitoring and operating the transmission system. On August 12, 2013, the Anchorage Office issued a *Notice of Violation* ("NOV") for the apparent rule violations observed in June. KIBH-FM was directed to submit a written response within 20 days, including an explanation for each violation and a plan for correcting each problem. The Commission did not receive a response. Subsequently, the Anchorage Office sent KIBH-FM a Warning Letter in September 2013, and two more NOVs in November 2013 and April 2016. The Commission has not received a response to any of these communications.

On this record, the full Commission (not just the Enforcement Bureau) adopted and issued the NAL, citing a long list of alleged violations of the agency's rules:

- Failure to have a copy of the EAS Operating Handbook available at normal duty positions for staff operating EAS equipment. Section 11.15.
- Failure to have EAS equipment installed so as to transmit appropriate alerts. The system was set to broadcast alerts intended for another station in another operational area. Section 11.35(a).
- Failure to monitor two EAS sources. KIBH-FM was monitoring only the NOAA Weather Radio. Section 11.52(a)(1).
- Failure to post a valid license at the station's control point. Section 73.1230.
- Failure to maintain a public inspection file. Section 73.3527.
- Failure to maintain station logs. Section 73.1840.
- Failure to staff the main studio with a management-level person and at least one other staff member on a full-

time basis. At the time of the inspection, only one volunteer staff member was present at the studio. Section 73.1125(a).

- Failure to post a chief operator appointment. Section 73.1870.
- Failure to ensure that the station's transmission system was operating within authorized parameters. Access to the station's transmission facilities was limited to specific hours six days per week. Section 73.1400.
- Failure to respond to the agency's directive for a written explanation regarding the violations observed during the inspection visit. Section 73.1015.
- Failure to respond to multiple NOVs. Section 1.89.

Section 503(b) of the Communications Act empowers the FCC to levy forfeiture penalties on parties who willfully or repeatedly fail to comply substantially with the terms of any license or with any rule or order of the agency. The Commission has established forfeiture guidelines which set out the base penalties for certain categories of violations and identify criteria for determining the appropriate penalty in a given case, and for adjusting the base amount either upward or downward. The total of the base figures suggested for all of the operational rule violations came to \$34,000.

The base amount for failure to respond to a Commission communication is \$4,000. KIBH-FM failed to respond to four separate written communications, bringing the total base amount of the forfeiture for those violations to \$16,000. The agency determined that this continued unresponsiveness to its notices, given the totality of the circumstances, warranted a doubling of these fines – bringing the total for the failures to respond to \$32,000. The total fine for the entire episode amounts to \$66,000.

The Commission ordered the station licensee to submit a written statement within 30 days, under the penalty of perjury, that it has come into compliance with the EAS rules and the broadcast rules in question in this order. The agency warned that continued failure to respond to Commission directives could lead to further sanctions, including additional forfeitures, license revocation, or a cease and desist order.

KIBH-FM has 30 days in which to pay the fine or file a written statement to request its reduction or cancellation.



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

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.**

Oct. 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 **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Marianas Islands, Missouri, Oregon, Puerto Rico, Virgin Islands and Washington.**

Oct. 2, 2017 Deadline for all broadcast licensees and permittees of stations in **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Marianas 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).

Oct. 2, 2017 Deadline to file EEO Broadcast Mid-term Report for all radio stations in employment units with more than 10 full-time employees in **Alaska, American Samoa, Guam, Hawaii, Marianas Islands, Oregon and Washington**; and all television stations in employment units with five or more full-time employees in **Iowa and Missouri.**

Oct. 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.

Oct. 10, 2017 Deadline to file quarterly Children's Television Programming Reports for all commercial full power and Class A television stations.

Oct. 10, 2017 Deadline to file quarterly Transition Progress Report for all television stations subject to modifications in the repack.

Deadlines for Comments In FCC and Other Proceedings

Docket	Comments	Reply Comments
(All proceedings are before the FCC unless otherwise noted.)		
Docket 17-108; NPRM		
Net neutrality		August 30
NTIA Docket 170627596-7596-01; NPRM Repeal of rules for Public Telecommunications Facilities Program	August 17	N/A
Docket 17-179; Public Notice Sinclair Broadcast Group acquisition of Tribune Media Company (Oppositions to Petitions to Deny)		August 22
Docket 15-94; NPRM EAS Blue Alerts		August 29
Docket 17-95; NPRM Earth stations in motion		August 30
Docket 14-166; FNPRM Unlicensed devices in television band	FR+30	FR+45

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

DEADLINE FOR EAS PARTICIPANTS TO SUBMIT REPORT TO STATE EMERGENCY COMMUNICATION COMMITTEES RE MULTILINGUAL EAS: NOVEMBER 6, 2017

MUST CARRY / RETRANSMISSION CONSENT ELECTIONS FOR 2018-2020 DUE OCTOBER 1, 2017



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
Participation in FCC auctions; Sections 1.21001, 1.21002	Aug 21
LPFM license application form, Form 319	Aug 21
Evaluating effects of radiofrequency exposure, Sections 1.1307, 1311	Aug 24
Satellite earth station application form; Form 312	Aug 28
National Programmatic Agreement re NHPA Section 106	Aug 28
AM directional antenna field strength measurements, Section 73.61	Sep 11

Rulemakings to Amend FM Table of Allotments

The FCC is considering an amendment proposed to the FM Table of Allotments to add the following channel. The deadlines for filing comments and reply comments are shown.

Community	Channel	MHz	Comments	Reply Comments
Cora, WY	274C2	102.7	Sep. 21	Oct. 6

Rulemakings to Amend Post-Transition Digital TV Table of Allotments

The FCC is considering amendments proposed to the Post Transition 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 Comment
Anchorage, AK	KYES	5	7	Aug. 15	Aug. 25

**FIRST PRIORITY FILING WINDOW
FOR ELIGIBLE REPACKED TV STATIONS
TO FILE MINOR MODIFICATION
APPLICATIONS
AUGUST 9 – SEPTEMBER 8, 2017**

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

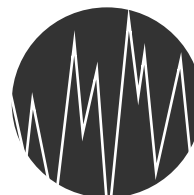
The FCC has accepted for filing the AM and FM applications identified below proposing to change each station's community of license. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **August 22, 2017**. Informal objections may be filed anytime prior to grant of the application.

Present Community	Proposed Community	Station	Channel	Frequency
Santa Maria, CA	Port Hueneme, CA	KXFM	256	99.1
Union Park, FL	Orlando, FL	WPOZ	202	88.3
Pocatello, ID	Hailey, ID	KPTO(AM)	N/A	1440
Milan, NM	Moriarty, NM	KRKE(AM)	N/A	1080
Clemson, SC	Cowpens, SC	WAHT(AM)	N/A	1560
Byrne, TX	San Angelo, TX	KLRW	203	88.5
Longview, TX	Hallsville, TX	New	300	107.9
Oakley, UT	Diamondville, WY	KDWY	287	105.3

The deadline for comments about the following applications is **September 25, 2017**.

Decatur, AL	Mooresville, AL	WWTM(AM)	N/A	1400
Maplesville, AL	Holtville, AL	WZNN	293	106.5
Opp, AL	Maplesville, AL	WAMI(AM)	N/A	880
Pocatello, ID	Hailey, ID	KPTO(AM)	N/A	1440
Scottsville, KY	Portland, TN	WBGB	218	91.5
Millersville, TN	Franklin, TN	WNFN	294	106.7
Chincoteague, VA	Eden, MD	WCTG	243	96.5

**NATIONWIDE EAS TEST:
SEPTEMBER 27, 2017;
DEADLINE TO FILE ETRS FORM ONE
AUGUST 28, 2017**



Court Rules Public Recording of Public Officials Protected by First Amendment

The U.S. Court of Appeals for the Third Circuit, sitting in Philadelphia, has ruled that the First Amendment protects the photographing of police officers carrying out their official duties in public. This case arose from the interactions between members of the public and Philadelphia police officers in two incidents separated in time by a year.

In September 2012, Amanda Geraci attended an anti-fracking protest at the Philadelphia Convention Center. When the police acted to arrest a protester, she moved to a better vantage point to record the arrest and did so without interfering with the officers. An officer abruptly pushed her against a pillar for several minutes, which prevented her from being able to observe or record the arrest. Geraci herself was not arrested or cited.

In September 2013, Temple University sophomore, Richard Fields, was on a public sidewalk where he observed a number of police officers breaking up a house party across the street. Using his iPhone, he photographed the scene. An officer noticed Fields taking the photo and ordered him to leave. Fields refused. The officer then arrested him and confiscated his iPhone. The officer searched Fields' iPhone, opening several videos and photos. The officer then released Fields and issued him a citation for "Obstructing Highway and Other Public Passages."

Geraci and Fields sued the City of Philadelphia and certain police officers. Their cases were eventually consolidated. They alleged that the officers illegally retaliated against them for exercising their First Amendment right to record public police activity and violated their Fourth Amendment right to be free from an unreasonable search and seizure. The plaintiffs sought damages from the officers and asserted that Philadelphia incurred vicarious liability. The officers argued that they were entitled to qualified immunity. Although the defendants did not dispute the First Amendment claim, the trial-level District Court granted summary judgment in their favor on the First Amendment issue. The District Court decided that the plaintiffs' activities were not protected by the First Amendment because they presented no evidence that their conduct could be construed

as expression of a belief or criticism of police activity. The plaintiffs' deposition testimony showed that they simply intended to observe or photograph interesting scenes. Neither testified to having an intention of sharing his or her photos or videos. The District Court declined to create a new First Amendment right for citizens to photograph officers when they have no expressive purpose such as challenging police actions.

The appellate court reversed this holding, stating that "this case is not about whether the plaintiffs expressed themselves through conduct. It is whether they have a First Amendment right of access to information about how our public servants operate in public." The court concluded that "the First Amendment protects the act of photographing, filming, or otherwise recording police officers conducting their official duties in public." The First Amendment protects actual photos, videos and recordings. For this protection to have meaning the Amendment must also protect the act of creating that material. There is no practical difference between allowing police to prevent people from making recordings and actually banning the possession or distribution of them. The First Amendment protects the public's right of access to information about their public officials' public activities. It goes beyond protection of the press and the self-expression of individuals to prohibit government from limiting the stock of information from which members of the public may draw.

This principle is now the law in substantial portions of the country. In deciding this case, the Third Circuit sided with other similar rulings by the First, Fifth, Seventh, Ninth and Eleventh Circuit Courts of Appeal.

The court cautioned however that not all recording is protected or desirable. The right to record police is not absolute. It is subject to reasonable time, place and manner restrictions. If a person's recording interferes with police activity, that recording might not be protected.

The decision is entitled *Fields v. City of Philadelphia*, 863 F.3d 353 (3rd Cir. 2017).

Video Description Obligations Increased

The FCC's requirement for large-market commercial television stations to offer programming with video description has been expanded under the terms of a *Report and Order* adopted in Docket 11-43. Video description is a service that delivers an aural stream of spoken descriptions of key visual elements in television programming that enables blind and visually impaired individuals to experience the program content.

Under the rules in effect until now, commercial television stations affiliated with ABC, CBS, Fox or NBC in the 60 largest television markets have been required to include video description in at least 50 hours of programming during each calendar quarter. This video-described program-

ming must be either children's programming or broadcast during prime time.

The newly amended rule raises the minimum requirement for the same stations to 87.5 hours per quarter. However, stations have greater flexibility in scheduling those additional hours. The programming constituting the 37.5 additional hours can be broadcast anytime from 6:00 a.m. to 12:00 midnight. A program may be aired twice and counted both times toward meeting a station's requirements under any aspect of these rules.

Stations will have to begin airing this enlarged schedule of video described programming by July 1, 2018.

Silent Station's License Renewal Designated for Hearing

continued from page 1

discretion to extend or reinstate the license in the interest of equity and fairness). It appears that the licensee of WRAX skirted the very edge of this cliff by keeping the station silent for 364 days followed by one brief day of on-air operations each year.

The Commission says that such a practice raises a question as to whether the license for this station should be renewed. In evaluating a station's license renewal application, the Commission is bound by the requirements of Section 309(k) of the Communications Act. The statute provides that the FCC shall grant a license renewal application if it finds that during the preceding license term the station has served the public interest, convenience and necessity. The Commission may deny the renewal application, or grant it with appropriate terms and conditions if, after notice and opportunity for hearing, the agency determines that the station has failed to meet that standard and that no mitigating factors justify imposition of a lesser sanction.

The Commission questions whether a station that is silent for 364 days a year is serving the public interest, convenience and necessity. In a 2001 ruling, the agency stated that "a licensee will face a very heavy burden in demonstrating that it has served the public interest where it has remained silent for most or all of the prior license term." Quoting a Court of Appeals decision, the Commission said in this *Hearing Designation Order* that "Like public officials charged with a public trust, a renewal applicant . . . must literally 'run on his record.'" The Commission quoted that decision further: "A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations." The Commission observed that a license to use radio spectrum in the public interest carries with it the obligation to use the

station to serve the community, providing programming responsive to local needs and interests. There is also an obligation to transmit potentially lifesaving alerts on the Emergency Alert System. A station is unable to fulfill these obligations when it is silent.

In designating a hearing, the FCC usually assigns the matter to a trial-like proceeding before an administrative law judge. However, the Commission has repeatedly observed that trial-type hearings impose significant burdens and delays on applicants and the agency alike. In this case, the Commission found no substantial issues of material fact or credibility with respect to the renewal application. The operating schedule for WRAX for the entire period since it was licensed is already a matter of record in the agency's files. Therefore, the Commission concluded that this case could be appropriately resolved with a "paper" hearing. A paper hearing is one in which the parties present all of their evidence and arguments in written pleadings rather than by appearing in person in open court. It appears that the issue to be determined would essentially be whether the renewal application should be denied, or granted with sanctions, which could include among other things, renewal for a shorter than usual license term.

In a late development, the licensee of WRAX has decided to surrender the station's license to the FCC rather than litigate the hearing. This makes the matter moot for this station and this case. However, the Commission has indicated that it will pursue a similar approach with other stations that are habitually silent when they come up for license renewal. In a separate statement accompanying the *Hearing Designation Order*, Chairman Pai quipped, "There are certain things you do once a year. You watch the Super Bowl. You eat Thanksgiving dinner. If you are a broadcast licensee, airing programming should not be on the list."

Next EAS Nationwide Test Set for September 27 *continued from page 1*

broadcast participant should complete a separate Form One for each station. Form Two must be filed by midnight on September 27 with “day of test” data. Detailed post-test information is to be provided in Form Three by November 13.

To file reports with ETRS, participants will need to have an FCC Username and password. The Username should then be associated with the participant’s FCC Registration Number (“FRN”). Participants that do not already have an FCC Username can register for one online at <https://apps2.fcc.gov/fccUserReg/pages/createAccount.htm>. To file reports, participants must access ETRS at <http://www.fcc.gov/general/eas-test-reporting-system>.

The Bureau encourages EAS Participants to prepare for the Nationwide Test by taking the following measures in coordination with their State Emergency Coordination Committees:

- Ensure that a copy of the EAS Operating Handbook is located at normal duty positions or EAS equipment locations, immediately available to station personnel;
- Review the EAS Operating Handbook for the actions to

be taken by operators upon receipt of the test alert and tailoring any actions as necessary that are specific to the EAS Participant’s facilities;

- Ensure that EAS equipment operates in compliance with the FCC’s rules, including being capable of receiving and processing the national periodic test code and the “six zeros” national location code;
- Upgrade, if necessary, EAS equipment software and firmware to the most recent version;
- Review and update the 2016 ETRS Form One; and
- Manually synchronize EAS equipment clocks to the official time provided by the National Institute of Standards and Technology if equipment does not automatically synchronize to an Internet time source.

The most recently updated version of the EAS Operating Handbook is now available and must be in place at all Participants’ operator duty stations by the time of the Nationwide Test. The Handbook can be downloaded from the Bureau’s website at <http://www.fcc.gov/general/eas-test-reporting-system>.

First Priority TV Filing Window Is August 9 – September 8

continued from page 1

them in the post-auction digital table of assignments.

(2) Any reassigned station, band-changing station, or non-reassigned station entitled to protection in the repacking process that is predicted to experience a loss of population served in excess of one percent as a result of the repacking process.

(3) Class A stations that did not receive protection and were displaced in the repacking process.

Applications in the first and third categories above will be exempt from filing fees. Applications in the second group, seeking to recover lost population, will be subject to filing fees.

Applicants in this filing window may request expanded facilities that qualify as minor changes. In the alternative, stations may apply to change channels in major change applications. Band-changing stations may not apply for alternate channels outside of their post-auction band. All applications filed during the window will be processed as if filed on the last day for purposes of determining mutual exclusivity. Applicants that are determined to be mutually exclusive will be allowed a 90-day period to resolve their conflicts by way of technical amendments or settlements.

The Pillsbury Law ANTENNA is an information service about current events in communications law published by Atlantic Star Media, Inc. This publication is produced only to report on current events and factual matters in the field of communications law. Publication and dissemination of this material is not intended to constitute the practice of law or the rendering of legal advice. No attorney-client relationship shall be deemed to exist between the provider and the reader or between the publisher and the reader as a result of the publication, dissemination, distribution or other use of this material. The publisher makes its best effort to ensure that the information reported is correct, but no warranty, express or implied, is given as to the accuracy or completeness of any information or statement published herein. Copyright 2017 by Atlantic Star Media, Inc. All rights reserved.