pillsbury Antenna™ SEPTEMBER 2017
AN UPDATE ON COMMUNICATIONS LAW & ISSUES

Ownership Report Filing Window Postponed

Snapshot Date Remains October 1

The FCC's Media Bureau has postponed the filing window for 2017 broadcast ownership reports. Previously, the period from October 1 through December 1, 2017 had been established as the filing window for all commercial and noncommercial broadcast stations to submit their biennial ownership reports on Form 323 or Form 323-E with data accurate as of October 1. (Low power FM stations are exempt from this requirement.) The filing window has now been rescheduled to open on December 1, 2017 and conclude on March 2, 2018. The snapshot date will remain October 1 – that is, the information reported must reflect the personnel and ownership structure as it exists on October 1.

The Bureau is changing the online platform for filing ownership report forms from the Consolidated Database System ("CDBS") to the new Licensing and Management System ("LMS"). The Commission is gradually moving the submission of all online broadcast forms to LMS. The Bureau says that this postponement is intended to provide sufficient time for Commission staff to implement the new electronic forms for these reports in the LMS. The Bureau implies that biennial ownership reports cannot be filed before December 1 because the LMS will not be ready to accept them.

The Commission's rules require broadcast stations to file

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Reports on Multilingual EAS Due November 6

In March of 2016, the FCC adopted an *Order* in Docket 04-296 launching an effort to gather data about the prevalence of languages other than English used in announcements transmitted in the Emergency Alert System ("EAS"). This was the Commission's response to a Petition filed in 2005 by a coalition of public interest groups proposing a number of enhancements to the EAS intended to make the system and its alerts more accessible to non-English-speaking audiences. While sympathetic to the petitioners' objective, the Commission rejected their proposals for new rules because they were generally not supported by EAS participants who filed comments in the proceeding, and because the proposals lacked sufficient specificity as to how to implement them. However, the Commission did determine that it needed to know more about the use of other languages in addition to English that are

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Regulatory Fees Due September 26

The FCC has set the deadline for broadcasters to pay fiscal year 2017 regulatory fees at 11:59 p.m. Eastern Time on September 26, 2017. The chart on page 6 lists the regulatory fees levied on authorizations of most interest to broadcasters as announced in the *Report and Order* in Docket 17-134, and compares them to the amounts that were originally proposed earlier in this proceeding. Many of the individual fees turn out to be less than those that were proposed. The Commission is mandated by statute to collect regulatory fees to cover the cost of operating the agency. Congress is requiring the Commission to collect approximately $365.7 million for the fiscal year ending September 30.

In deliberating the fee levels for this year, the Commission paid special attention to the economic concerns of small market radio broadcasters and set the fees significantly lower than had been proposed for stations in the two smallest population categories – populations less than 25,000, and populations between 25,000 and 75,000.

The Commission has raised the de minimis threshold to $1,000. A station owner whose aggregate regulatory fees

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FCC Launches Annual Video Market Inquiry

Under the 1992 Cable Act, the FCC is required to "annually report to Congress on the status of competition in the market for the delivery of video programming." The Commission is preparing to draft its 19th annual edition of this report. As a part of its preparation and as has been its custom in the past, the Commission has solicited public comment on this topic in Docket 17-214.

The Commission anticipates that its report will feature three categories of entities that deliver video programming to the public: broadcast television stations, multichannel video programming distributors ("MVPDs") and on online video distributors ("OVDs"). The report will examine both intragroup competition and intergroup competition among these three categories of providers.

The agency intends to explore intragroup competition by (1) providing information on the number, size and footprint of the major providers; (2) reviewing recent entry to or exit from the group; and (3) describing the business models and competitive strategies of the major providers, including analysis of delivered video services, equipment and pricing. Interested parties are requested to provide data and comment regarding intragroup competition and regarding significant differences in the availability of delivered video services in rural areas as compared to urban areas.

As for intergroup competition, the Commission seeks data and comment on the similarities and the differences between the delivered video services offered by broadcast stations, MVPDs and OVDs. Are these distinctions diminishing as MVPDs offer online services and OVDs present linear programming? The Commission asks for information and comment on the operating and financial statistics that would shed light on the relative strengths of video providers. The agency would also like to know about consumer access to the three kinds of providers, and upstream and downstream relationships of these groups.

The FCC also asks for information and comment about the impact on the video industry of vertical integration, new technologies and consumer equipment, and of the agency's own regulations.

Comments are due October 10. The deadline for reply comments is November 9.

Reports on Multilingual EAS Due November 6 *continued from page 1*

employed in EAS transmissions to the public.

To satisfy that need, the Commission ordered EAS participants, including broadcast stations, to submit reports to their respective State Emergency Communication Committees ("SECCs") detailing their existing capabilities for multilingual EAS operations and their plans, if any, to implement such operations in the future. The SECCs will then relay this data to the Commission. The FCC said that it intends to use this information to evaluate whether existing multilingual EAS practices are consistent with its rules and to assess whether there are regulatory approaches that it could or should take related to this issue. The Commission required these reports to be submitted to the SECCs within a year after the *Order* became effective. That deadline will occur on November 6.

By that date, each EAS participant is to file a report with the SECC in its state that includes the following information:

- A description of actions taken, if any, by the EAS participant (acting individually, in conjunction with other EAS participants in its area, and/or in consultation with state and local emergency authorities) to make EAS alert content available in languages other than English.
- A description of any future actions planned by the EAS participant, in consultation with state and local emergency authorities, to provide EAS alert content in languages other than English, along with an explanation as to why or why not such services are planned. In turn, each SECC must compile the data it receives in the participants' reports and incorporate a summary of that information into its State EAS Plan. The Commission requires the SECCs to complete this task by May 4, 2018.

EAS participants are required to update their submissions with any material changes to their reports within 60 days. These update letters must be sent to the SECC and to the Chief of the FCC's Public Safety and Homeland Security Bureau.

The Commission also invites, but does not require, EAS participants to provide additional information to their respective SECCs that they feel may be relevant, such as state-specific demographics on languages other than English spoken in the state and identification of resources used or necessary to originate current or proposed future multilingual EAS content.

To clarify, the FCC does not presently mandate that EAS content must be provided in any language other than English. The purpose of this exercise is merely to assess the current state of multilingual EAS activity.

Nationwide EAS Test Is September 27

The FCC and the Federal Emergency Management Agency ("FEMA") will conduct a nationwide test of the Emergency Alert System at 2:20 p.m. Eastern Time on September 27, 2017. All EAS participants are required to transmit the test to the public and to report their results in the EAS Test Reporting System ("ETRS"). 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. Eastern Time.

All participants were to have registered by completing and submitting Form One by August 28. Participants who did not meet that deadline can still register with ETRS. ETRS can be accessed at http://www.fcc.gov/general/eas-test-reporting-system.

Participants are required to report "day-of-test" data on Form Two by midnight on September 27. Detailed post-test information is to be submitted on Form Three by November 13.

The test message will clearly state that the alert is only a test. The alert will be transmitted in English and Spanish in formats for both audio and text for video crawl. The FCC and FEMA urge broadcasters and other participants to undertake efforts to educate the public about the test in advance. Although broadcast of the actual or simulated alert tones outside of an actual emergency alert or test is strictly prohibited, "sound-alike" tones provided by FEMA can be used in public education announcements about the test. These tones will not trigger a downstream daisy chain of alerts in the facilities of other participants. A sequence of these tones can be downloaded from FEMA at https://www.fema.gov/media-library/assets/audio/132794.

Expansion of Wireless Microphone Licensing in TV Spectrum Proposed

In connection with an *Order on Reconsideration*, the FCC has adopted a *Further Notice of Proposed Rulemaking* in Docket 14-166 to consider expanding the number of entities eligible for licenses for wireless microphones in the Low Power Auxiliary Service ("LPAS") in television spectrum white spaces. Under this proposal, smaller productions and venues needing fewer than 50 microphones would become eligible for wireless mic licenses for the first time.

In the *Second Report and Order* in this docket in 2015, the Commission amended its rules for the LPAS to expand the number and kinds of entities that were eligible to obtain licenses to operate wireless microphones on channels in the television band on a secondary, non-exclusive basis. Prior to that time, eligibility had been restricted to licensees of broadcast stations, television networks, cable television systems, and movie and TV program producers. Then the FCC expanded eligibility to include professional sound companies and venues that routinely use 50 or more wireless microphones for major events/productions where use of such devices is an integral part of the event. When using frequencies in the TV bands, these licensed wireless microphone users may also register with the white spaces databases to receive interference protection from other devices in the TV band white spaces (i.e., vacant channels and geographic space between authorized television stations). This ensures an interference-free service and better quality audio.

The Commission acknowledged that LPAS operators in the TV band need to have the expertise to operate carefully in congested spectrum. The 50-microphone threshold was adopted as a marker to screen for parties and venues with the expertise and sophistication necessary for white space operations. It concluded however that professional sound companies and production venues that routinely use fewer than 50 wireless microphones have the same needs for interference protection as other wireless microphone users, and that they therefore need the benefits of licensing.

In the course of this proceeding, audio equipment manufacturer Shure, Inc. advocated for certain wireless microphone users that do not meet the 50-microphone threshold but that nevertheless have similar needs for interference protection. These entities can operate with unlicensed microphones in the TV spectrum, but are not protected in the white space database against other users. Shure argued that some of these operators should be eligible for licenses for their wireless microphones. This prompted the Commission to issue the *Further Notice of Proposed Rulemaking*.

The Commission observed that the 50-microphone threshold is unnecessarily restrictive because it excludes many entities that have the need for professional high-quality audio for their events and productions. The agency proposes to allow certain theater, music and performing arts organizations that do not meet the 50-microphone threshold but that are otherwise able to demonstrate that they have these professional needs and capabilities to obtain a Part 74 license to operate wireless microphones in the TV band. The Commission proposes to enlarge the categories of entities eligible for wireless microphone licenses to include (a) users that routinely use 50 or more microphones where the use is an integral part of major events or productions (as provided under the existing rules), and (b) users that otherwise can

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DEADLINES TO WATCH

License Renewal, FCC Reports & Public Inspection Files

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, Mariana 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, Mariana Islands, Missouri, Oregon, Puerto Rico, Virgin Islands** and **Washington** to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).
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, Mariana 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

(All proceedings are before the FCC unless otherwise noted.)

Docket	Comments	Reply Comments
Docket 14-166; FNPRM Wireless microphones in television band	Oct. 2	Oct. 16
Docket 17-214; Public Notice Competition in the market for video programming	Oct. 10	Nov. 9

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
AM directional antenna field strength measurements, Section 73.61	Sep. 11
Prohibition on certain communications during auction, Section 1.21002	Oct. 2
Closed captioning, Section 79.1	Oct. 6
Chief operators, Section 73.1870	Oct. 16
Hearing proceedings, Sections 1.221, 1.229, 1.248	Oct. 27
MVPD carriage proceedings, Sections 76.7, 76.9, 76.61	Oct. 27
MVPD unfair practices, Section 76.1001, 76.1002	Oct. 27
Program access proceedings, Section 76.1302	Oct. 27
Carriage agreement proceedings, Section 76.1302	Oct. 27
Open video disputes, Section 76.1513	Oct. 27

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 **September 25, 2017**. Informal objections may be filed anytime prior to grant of the application.

Present Community	Proposed Community	Station	Channel	Frequency
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

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

DEADLINES TO WATCH

Vacant FM Allotments Reinstated

The FCC's Media Bureau has reinstated in the FM Table of Allotments the 86 vacant FM allotments listed below. Under current practice, allotments are removed from the Table when they become occupied with a station authorization. If an authorization expires or is cancelled, the newly vacant allotment has to be reinstated in the Table. Each of the allotments listed below was once occupied, but has become vacant again. These channels will become available for applications for new stations in one or more future FM auction filing windows.

Community	Channel
Leupp, AZ	293C1
Overgaard, AZ	234C1
Parker, AZ	257C2
Paulden, AZ	228C3
Snowflake, AZ	259C2
Tusayan, AZ	222C1
Strong, AR	296C3
Alturas, CA	277C
Boonville, CA	300A
Cedarville, CA	238A
Ft. Bragg, CA	253B1
Portola, CA	258A
Battlement Mesa, CO	275C3
Dinosaur, CO	262C1
Eckley, CO	257C1
Hugo, CO	222A
Walden, CO	226A
Plains, GA	290A
Abingdon, IL	291A
Florien, LA	222A
Onekama, MI	227C3
Lake Isabella, MI	255A
Grand Marais, MN	245C3
Bourbon, MO	231A
Eminence, MO	281A
Cut Bank, MT	265C2
Bayard, NE	251A
Medina, ND	222C1
Sarles, ND	290C1
Jefferson, NH	247A
Des Moines, NM	287C
Skyline-Ganipa, NM	240A
Narrowsburg, NY	275A
Arnett, OK	293C2
Cheyenne, OK	247C2
Coalgate, OK	242A
Covington, OK	290A
Savannah, OK	275A
Wayne, OK	266A
Diamond Lake, OR	251A

Community	Channel
Huntington, OR	228C
Vale, OR	288C
Edgemont, SD	289C1
Albany, TX	255A
Benjamin, TX	237C3
Big Lake, TX	246A, 252C2, 281C1, 296C3
Cotulla, TX	289A
Crystal Beach, TX	268A
Dalhart, TX	261C2
Dilley, TX	291A
Encino, TX	283A
Freer, TX	288A
Goree, TX	277A
Hamlin, TX	283C2
Knox City, TX	297A
Marquez, TX	296A
Matador, TX	244C2, 276C3
McCamey, TX	237C3
McLean, TX	298C3
Menard, TX	265A, 292A
Mullin, TX	224A
Olney, TX	282A
Premont, TX	287A
Roscoe, TX	228A
San Isidro, TX	255A
Sanger, TX	281C3
Trinity, TX	251A
Turkey, TX	221C2
Wellington, TX	248C3, 253C3
Westbrook, TX	272A
Paragonah, UT	258A
Hardwick, VT	290A
West Rutland, VT	298A
New Holstein, WI	258A
Bairoil, WY	235C3
Basin, WY	299C1
Dubois, WY	242A
Lusk, WY	242A
Pine Bluffs, WY	287A
Wheatland, WY	286A

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

Regulatory Fees Due September 26 *continjed from page 1*

for the year amount to less than $1,000 is exempt from the requirement to pay fees for the fiscal year and does not have to report that fact. The threshold is for the aggregated total calculated on all of an entity's authorizations and is not per authorization.

The FCC has opened its Fee Filer system for regulatory fee payments at https://apps.fcc.gov/FeeFiler/login.cfm. All payments must be submitted electronically, by credit card, ACH or wire transfer. Fees cannot be paid by mail. Checks and money orders will be returned. Fees not received by the FCC by the deadline will be subject to a 25% penalty and the imposition of administrative costs. Under its "red light rule," the Commission will withhold action on any applications filed by anyone with delinquent debt owed to the agency, including past due regulatory fees. Eventually, such applications will be dismissed. Failure to pay these fees can also ultimately result in a proceeding to revoke any and all authorizations held by the entity responsible for paying the fees.

Fees are calculated on the basis of the status of the authorization as of October 1, 2016. Even if a permit or license has expired since October 1 and no authorization continues to exist for the station, a fee will be due for it. Nonprofit entities are exempt from fees, including for commercial stations that they own.

FCC REGULATORY FEES FOR FISCAL YEAR 2017

Type of Authorization	Proposed	Actual
Full Power Television		
Markets 1-10	$ 60, 100	$ 59,750
Markets 11-25	45,300	45,025
Markets 26-50	30,225	30,050
Markets 51-100	15,225	14,975
Remaining Markets	4,950	4,950
Construction Permit	4,950	4,925
Satellite Television Station (all markets)	1,725	1,725
Low Power TV, TV/FM Translators and Boosters	435	430
Satellite Earth Station	360	360
AM Radio Construction Permit	650	555
FM Radio Construction Permit	1,150	980

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
6,000,000+	17,950	12,825	11,100	12,225	19,650	22,225

ACTUAL 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	$ 895	$ 650	$ 555	$ 610	$ 980	$ 1,100
25,001-75,000	1,350	995	830	915	1,475	1,650
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
6,000,000+	17,950	12,825	11,100	12,225	19,650	22,225

FIRST PRIORITY FILING WINDOW FOR ELIGIBLE REPACKED TV STATIONS TO FILE MINOR MODIFICATION APPLICATIONS CLOSES SEPTEMBER 15, 2017

NATIONWIDE EAS TEST
SEPTEMBER 27, 2017
Form Two Filing Deadline: Sept 27, 2017
Form Three Filing Deadline: Nov. 13, 2017

Mandated Channel Change Raised as 'Material Adverse Change' Defense

A federal magistrate judge in Chicago has rejected a defendant's claim that an FCC-mandated channel change constituted a "material adverse change" that would relieve the defendant of obligations in a dispute concerning settlement of conflicting television station applications. The court rendered a judgment against the defendant corporation and its president, ordering them to pay the plaintiffs who had previously dismissed their television applications at the FCC to make way for granting the defendant's mutually exclusive application.

This dispute arose from an FCC proceeding involving competing applications for a construction permit for a new television station on channel 67 at Galesburg, Illinois. Two applicants, Galesburg 67, LLC ("G67") and DM Partners ("DM"), agreed to dismiss their applications in 2000 in settlement agreements with Northwest Television, Inc. In exchange for the dismissal of their applications, Northwest agreed to pay G67 $600,000 and DM $450,000. At the time, it appeared that Northwest intended to meet these obligations by way of letters of credit to be funded by a transaction with a third party who could become the ultimate owner of the station. Payments would be due upon the grant of a license for the surviving applicant entity. However, the letters of credit were set to expire in a matter of several months.

The process was delayed when a petition to deny was filed against Northwest's application, leading to protracted legal proceedings. In the meanwhile, the FCC reallocated portions of the television band to nonbroadcast services. The television allotment for channel 67 was moved to channel 53, and then was converted to channel 8.

Northwest was finally granted a license for channel 8 in September 2012. It promptly sold the station to an unrelated third party and received a purchase price of $1,125,000. G67and DM discovered they were not going to be paid for the agreements they had made in 2000 to dismiss their applications and they sued Northwest in U.S. District Court in Chicago. They alleged breach of contract and unjust enrichment, among other things.

G67 and DM were originally to be paid by way of letters of credit. However, those letters had long since expired. At trial, the plaintiffs claimed that there had been a telephone conversation among the parties in early 2001, just before the letters of credit were to expire, during which Northwest agreed to pay the G67 and DM directly in cash in lieu of the letters of credit. This amendment to the settlement agreements was never committed to writing and Northwest denied that it had agreed to this change.

The court ruled against the plaintiffs on the breach of contract claim. The letters of credit to be used as compensation under the original settlement agreements had expired, and the plaintiffs failed to convince the judge that there had been oral amendments to the original settlement agreements. However, the judge did award money judgments to the plaintiffs totaling $1,125,000 on the claim of unjust enrichment. Under Illinois law, unjust enrichment occurred when the defendant unjustly retained a benefit to the plaintiffs' detriment and the defendant's retention of the benefit violated the fundamental principles of justice, equity and good conscience. Northwest argued that without a breach of a contract, there could be no unjust enrichment. The judge rejected that assertion, stating that the issue of unjust enrichment is independent of the contract question. The plaintiffs dismissed their applications, to their own detriment, and created a benefit for Northwest which resulted in monetary gain.

An additional argument raised by Northwest in its defense was that the television station had undergone a "material adverse change" that had diminished its value. Northwest offered testimony at trial to the effect that the FCC's orders to move the station from channel 67 to channel 53 to channel 8 "decimated us in terms of value." Because of this material adverse change, Northwest claimed that it had no obligation to pay G67 or DM. The court was unpersuaded. Regardless of the channel change, Northwest had received benefit and the plaintiffs were detrimentally affected. Northwest's receipt of that benefit violated the fundamental principles of justice, equity and good conscience.

The decision is entitled *Galesburg 67, LLC, et al, v. Northwest Television, Inc. et al,* 2017 U.S.Dist. LEXIS 133844.

Ownership Report Filing Window Postponed *continued from page 1*

ownership reports biennially in odd-numbered years. This adjusted filing schedule pertains only to the 2017 reports. The Bureau expects that the 2019 reports will be filed during the regular window from October 1 to December 1 of that year.

Expansion of Wireless Microphone Licensing in TV Spectrum Proposed

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demonstrate a particular need for, and the capability to provide, professional, high-quality audio that is integral to their events or productions.

To demonstrate a need for high-quality audio during events/productions with fewer than 50 microphones, an applicant for a Part 74 license would be required to show that its needs for high-quality audio for its audiences are identical or substantially similar to those of current Part 74 licensees. Further, the applicant would have to demonstrate that it has the professional-level technical and operational capabilities to carry out its responsibilities associated with holding a license (such as coordination responsibilities, technical capabilities and registration capabilities). The Commission wants such licensees to have sophisticated knowledge and capability to manage use and coordination of their microphones, register specific channels at designated times for qualifying events/productions in the white spaces databases, and comply with the applicable rules for licensed LPAS operations. The Commission seeks public input as to how applicants could demonstrate that they possess these qualities.

More broadly, the agency also asks what impact this proposed change might have on incumbent users of the television band, and whether there are other means for achieving the intended objective of increased availability of high-quality wireless microphone service.

October 2 is the filing deadline for comments in Docket 14-166. Reply comments must be submitted by October 16.