

Higher Regulatory Fees Proposed for FY 2019

The FCC has announced the annual regulatory fees that it proposes to impose for the fiscal year ending September 30, 2019, in a *Notice of Proposed Rulemaking* (FCC 19-37) in Docket 19-105. Congress directs the Commission to collect these fees each year to offset the cost of operating the agency. The Congressionally specified total to be collected for FY 2019 is \$339 million. This is an increase of approximately \$17 million over the corresponding amount for FY 2018.

The Commission endeavors to correlate the fees for each industry group it regulates to the portion of its staff resources expended in regulating entities in the group as measured by full-time equivalents of staff time. The Commission says that its overarching goal is to allocate fees with an eye toward fairness, administrability, and sustainability. The agency proposes to collect \$121.82 million, or 35.93% of the total, from Media Bureau regulatees, including commercial broadcasters.

Until last year, the fee for each full power television station had been based entirely upon the ranked size of the market in which it was located. On the other hand, fees for radio stations were calculated on the basis of the population within their service areas. In a *Report and Order and Order* (FCC

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FCC Solicits More C-Band Comments

The FCC is conducting a rulemaking proceeding in Docket 18-122 about a proposal to increase the use of spectrum in the 3.7-4.2 GHz band (commonly called the C-Band) by new terrestrial services. This band is now used predominantly by stations in the Fixed Satellite Service (“FSS”), and is also home to a smaller number of users in the conventional terrestrial point-to-point Fixed Service (“FS”). Many broadcasters receive programming via satellite transmissions in this band. In a *Notice of Proposed Rulemaking* (FCC 18-91) released in July 2018, the Commission considered how to strike a balance between (1) reallocating rapidly and efficiently some or all of this spectrum to new terrestrial wireless uses, and (2) accommodating existing FSS and FS users. The agency explored both market-based and auction-based approaches

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New Rules Adopted for FM Translator Interference

In a *Report and Order* in Docket 18-119, the FCC has adopted new rules and procedures for eliminating, mitigating and/or avoiding interference caused by FM translators to other FM stations. From approximately 1,850 FM translator stations in 1990, this segment of the radio industry has grown to approximately 8,048 stations in 2019. This explosive growth in the number of translator stations has led the Commission to take this action in an effort to address the increasing friction between them and other stations with which they may interfere.

Under the rules in effect until now, evidence of interference to at least one listener’s regular use of another station’s signal was enough to trigger a translator interference complaint proceeding, regardless of the location of the interference in relation to the desired station, and regardless of the channel relationship between the desired station and the translator. The translator has

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May 28 Is Deadline for C-Band Earth Station Certifications

In support of the research to gather data necessary in connection with the FCC's deliberations about the future use of the 3.7-4.2 GHz band, commonly called the C-Band, the agency is requiring all owners of licensed and/or registered satellite earth stations that operate in that band to file certifications about their current operations of such stations. The Commission issued a Public Notice (DA 19-278) to set the filing deadline for May 28, 2019. Earth stations for which new or modified registrations were requested during the 2018 C-Band registration filing window are exempt from this certification requirement unless updates are needed to ensure the current accuracy of information.

Operators of earth stations in the C-Band that are licensed or registered in the FCC's International Bureau Filing System ("IBFS"), including temporary-fixed or transportable earth stations (such as a station on a satellite newsgathering truck) must certify the accuracy of all information reflected in their licenses or registrations in IBFS. The certification must include the applicant's or registrant's name, the call sign(s), and file number(s), along with the following signed statement:

The undersigned, individually and for the applicant, licensee or registrant, hereby certifies that all information reflected in his or her licenses or registrations in IBFS, including any attached exhibits, are true, complete and

correct to the best of his or her knowledge and belief, and have been made in good faith.

Operators of temporary-fixed or transportable C-Band earth stations that are licensed or authorized in IBFS must also provide the following additional information, regardless of when they were licensed or registered:

- Earth station call sign (or IBFS file number if registration is pending);
- Address where the equipment is typically stored;
- The area within which the equipment is typically used;
- Frequency (as in "how often" rather than spectrum) and duration of use;
- Number of transponders typically used in the 3.7-4.2 GHz band, and extent of use on both uplink and downlink;
- Licensee/registrant and contact information.

All required information is to be submitted electronically online in IBFS, at <https://licensing.fcc.gov/myibfs> using the "Pleadings and Comments" link. Fixed, temporary fixed, and transportable earth station owners must file certifications as a pleading type "C-Band certification" for each call sign. Temporary fixed and transportable earth station owners are to file the additional data requested above using the pleading type "Other" for each call sign.

License Renewal Cycle Begins

A new broadcast license renewal cycle begins with the June 3, 2019, filing deadline for radio stations in the District of Columbia, Maryland, Virginia, and West Virginia. The schedule of filing deadlines will rotate from region to region around the nation in two-month intervals over the next three years. The complete national schedule is available on the FCC's website at <https://www.fcc.gov/media/radio/broadcast-radio-license-renewal-dates-by-state>. The cycle for television stations will follow the same schedule one year later, beginning in June 2020.

License renewal applications are due to be filed four months prior to the expiration of the old eight-year license term. Stations must broadcast announcements about the application on the 1st and 16th of the month for two months prior to the filing deadline, and for three months following it.

The Commission has redesigned and relocated the online license renewal application form and the Broadcast Equal Employment Opportunity Program Report (which must be filed in conjunction with the renewal application) from the Consolidated Database System ("CDBS") to the Licensing and Management System ("LMS").

In its Public Notice (DA 19-285) about these filing deadlines, the FCC's Media Bureau reminds stations about their obligations to maintain the accuracy and completeness of their online Public Inspection Files. The Bureau warns that failure to comply with the Public Inspection File requirements, including the political file requirements, prior to the deadline for filing the license renewal application may result in forfeitures and may impact a station's renewal application.

New Rules Adopted for FM Translator Interference continued from page 1

been required to remediate the interference promptly. This could be accomplished by adjusting or replacing the listener’s consumer equipment, by moving to an adjacent or intermediate-frequency channel, by relocating the transmitter site, by reducing power or by going off the air. The complaining listener has been required to cooperate with the translator’s efforts or forfeit the right to a remedy. The resolution process has often been marked by drawn-out antagonistic disputes, with results that parties have sometimes felt were arbitrary and/or opaque.

The Commission has now established a standardized complaint process, requiring specific information to be included with the complaining station’s initial pleading. The petitioner will need a minimum number of listener interference complaints – ranging from six to 25, depending on the size of the population served by the station. The minimum number of listener complaints needed for stations with less than 200,000 residents within the protected service contour is six. The required number generally increases by one for each additional 100,000 residents within the protected service contour up to a maximum of 25 for stations with the most heavily populated service areas. The accompanying chart illustrates the minimum number of listener complaints required in each station size tier.

Population within complaining station’s protected service contour	Minimum listener complaints required
1-199,999	6
200,000-299,999	7
300,000-399,999	8
400,000-499,999	9
500,000-999,999	10
1,000,000-1,499,999	15
1,500,000-1,999,999	20
2,000,000 or more	25
LPFM station with fewer than 5,000	3

The listener complaints must come from separate receivers at separate locations. Only one complaint will be acceptable from locations where there may be multiple receivers, such as multiple-dwelling apartment buildings. Each site where interference is alleged to occur must fall within the 45 dbu contour of the desired station. The Commission had originally proposed the 54 dbu contour as the boundary for restricting translator interference. However, it found that the record demonstrated that significant signal usage occurs beyond that contour and opted for the 45 dbu. The contour must be calculated with the Commission’s standard prediction methodology set out in Section 73.313 of the Commission’s rules. Alternative propagation modeling systems, such as Longley-Rice, cannot be employed for this purpose.

The former Section 74.1204(f) of the rules prohibited the grant of an application for a translator construction permit if the new proposed 60 dbu contour would overlap a populated area receiving a regularly used signal with which the new translator signal would interfere. This section is amended so as to permit a complaining station to petition against the translator application with a demonstration of predicted interference from the translator anywhere within its own 45 dbu contour.

The Commission says that it will entertain requests for waivers of the 45 dbu limit if the requester can demonstrate the existence of a sizable community of listeners outside of that contour. The interference claim must include at least 20 listener complaints from outside the 45 dbu contour. Other relevant factors to be considered would be whether geographic features or power/directionality enhance reception at the relevant listener locations, and the length of time that the desired station has served the relevant listening community, thereby creating an expectation of service.

The Commission will not impose a deadline for filing a complaint after a translator begins broadcasting. However, all of the listener complaints must be dated within the span of one year of one another. The earliest listener complaint must be dated no earlier than 12 months prior to the submission of the interference claim to the FCC.

Each listener complaint must be signed and dated. Electronic signatures are acceptable. It is the complaining station’s responsibility to verify the validity of listener statements and failure to do so or to knowingly submit false information will be subject to enforcement action.

The listener complaint must include the following items: (1) the complainant’s full name, address, and phone number; (2) a clear, concise, and accurate description of the location where the interference is alleged to occur; (3) a statement that the complainant listens to the desired station using an over-the-air signal at least twice per month; and (4) a statement that the complainant has no legal, employment, financial, or familial relationship with the desired station. Commercial station advertisers and noncommercial station underwriters are deemed to have a financial connection with the station. However, the existence of any of the following activities will not be considered as evidence to support a claim that a listener has a connection with the station: (1) social media connections such as following or friending a station or its personnel; (2) membership in a listener club or participation in station-run promotions, contests, and events; (3) charitable donations to the station; or (4) serving as a volunteer at a station or station-run events, as long as the volunteer does not hold a regular position at the station comparable to a station employee.

Listener complaints need not be unsolicited. Broadcasters concerned about translator interference may alert their listeners to possible interference and may gather listener statements on a standardized form or letter. However, stations must avoid misleading listeners about the translator



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

- June 1, 2019 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 & 16, 2019 Radio stations in the **District of Columbia, Maryland, Virginia and West Virginia** broadcast post-filing announcements regarding license renewal applications.
- June 1 & 16, 2019 Radio stations in **North Carolina and South Carolina** broadcast pre-filing announcements regarding license renewal applications.
- June 3, 2019 Deadline to file license renewal applications for radio stations in **District of Columbia, Maryland, Virginia and West Virginia.**

- June 3, 2019 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).
- July 1 & 16, 2019 Radio stations in **North Carolina and South Carolina** broadcast pre-filing announcements regarding license renewal applications.

Cut-Off Date for FM Noncommercial FM Application

The FCC has accepted for filing the application a for new noncommercial FM station identified below. Petitions to deny must be filed by the deadline shown. Informal objections may be filed anytime prior to grant of the application.

COMMUNITY	CHANNEL	MHZ	APPLICANT	FILING DEADLINE
Fort Yukon, AK	214	90.7	Council of Athabaskan Tribal Governments, Inc.	June 7

Cut-Off Date for Applications to Change Community of License

The FCC has accepted for filing the 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 **July 8, 2019**. Informal objections may be filed anytime prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Milan, NM	Towaoc, CO	KZNM	265	100.9
Refugio, TX	Balcones Heights, TX	KXAI	279	103.7
San Marcos, TX	Austin, TX	KBPA	278	103.5
Gretna, VA	Halifax, VA	WMNA-FM	292	106.3
Elma, WA	Montesano, WA	KGHE	206	89.1

TELEVISION REPACK

STATIONS ASSIGNED TO PHASE 3

TESTING PERIOD BEGINS: **APRIL 13, 2019**
COMPLETION DEADLINE: **JUNE 21, 2019**

STATIONS ASSIGNED TO PHASE 4

TESTING PERIOD BEGINS: **JUNE 22, 2019**
COMPLETION DEADLINE: **AUGUST 2, 2019**



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
Equipment performance measurements, Section 73.1590	May 20
Satellite rules, Part 25, Forms 312, 312-EZ, 312-R	May 24
Station identification, Sections 73.1201, 74.783, 74.1283	May 28
Auction bidding procedures, Sections 1.2105, 1.2205	June 3
Auction application form, Form 175	June 3
Viewer complaints to cable TV systems, Section 76.1713	June 3
TV white space bands, Sections 15.713, 15.714, 15.715, 15.717, 27.1320	June 7
Broadcasting emergency information, Section 73.1250	June 25
TV Broadcast Relocation Fund Reimbursement Form, Form 2100, Schedule 399, Section 73.3700(e)	June 25
Technical and equipment modifications of FM translators and boosters, Section 74.1251	July 8
Broadcast ownership reports, Form 323, Sections 73.3615, 74.797	July 8

Deadlines for Comments in FCC and Other Proceedings

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

Docket 19-3; NPRM Comparative standards for applicants for noncommercial stations	May 20	June 18
Docket 19-30; Public Notice Applications to transfer control of subsidiaries of Tribune Media Company to Nexstar Media Group	May 27 (Petitions to Deny)	June 11 (Oppositions)
Docket 18-349; NPRM 2018 Quadrennial Review of broadcast ownership rules		May 29
Docket 19-105; NPRM FY 2019 Regulatory Fees	June 7	June 24
Docket 18-122; Public Notice Additional terrestrial use of the C-Band	FR+30	FR+45

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

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
Kahlotus, WA	283A	104.5	June 24	July 9

DEADLINE TO SUBMIT CERTIFICATIONS REGARDING USE OF C-BAND SATELLITE EARTH STATIONS

MAY 28, 2019

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18-126) adopted last August, the Commission established a plan to move television to a population-based structure as well. In a transition phase this year, the proposed full power television fees are derived from a hybrid formula that relies on both the market rank and the population within the station's noise limited service contour. The fee is the average (or half of the sum) of (1) what the market rank fee would be for this year (which are about 8.5% greater than the FY 2018 market rank fees), and (2) an amount calculated by multiplying the population in the station's service area by \$0.007224. The Commission relied upon the TVStudy database for the population figures for each station's service area. Each station's fee will be unique and specific to its market rank and population coverage. The proposed 2019 fee for each full power commercial television station is listed on the FCC's website at <http://fcc.gov/licensing-databases/fees/regulatory-fees>.

Upon considering the comments received about these proposals, the Commission plans to adopt a final fee schedule

later this summer. The yet-to-be-announced deadline for paying fees will probably be sometime in September.

The Commission proposes to set \$1,000 as the de minimis threshold. A party with total aggregated fees of \$1,000 or less would be exempt from the requirement to pay fees.

Nonprofit entities are exempt from regulatory fees, including for stations that they own with commercial licenses.

The chart below lists the fees proposed for FY 2019 for most types of authorizations of interest to broadcasters (except for full power television stations). For purposes of comparison, it also shows the FY 2018 fees. The 2019 fees proposed for radio are about 19%-20% higher than those imposed for 2018.

The Commission invites comment on these specific fees and the methodology for calculating them. The basic question of whether to impose regulatory fees is not open for comment as the Commission is mandated by Congress to impose and collect these fees. Comments in Docket 19-105 are due by June 7, and reply comments, by June 24.

PROPOSED FCC REGULATORY FEES FOR FISCAL YEAR 2019

Type of Authorization	Actual FY2018	Proposed FY2019
Full Power Television		
Markets 1-10	\$ 49,750	\$ *
Markets 11-25	37,450	*
Markets 26-50	25,025	*
Markets 51-100	12,475	*
Remaining Markets	4,100	*
Construction Permit	4,100	4,450
Satellite Television Station (all markets)	1,500	*
Low Power TV, TV/FM Translators and Boosters	380	345
AM Radio Construction Permit	550	660
FM Radio Construction Permit	965	1,150
Satellite Earth Station	325	425

* Fees proposed for full power television stations for FY 2019 are calculated on the basis of a formula specific to each station as described in the text above. The proposed fees for each station are listed online at <https://www.fcc.gov/licensing-databases/fees/regulatory-fees>.

ACTUAL FY 2018 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	\$ 880	\$ 635	\$ 550	\$ 605	\$ 965	\$ 1,100
25,001-75,000	1,325	950	825	910	1,450	1,650
75,001-150,000	1,975	1,425	1,250	1,350	2,175	2,475
150,001-500,000	2,975	2,150	1,850	2,050	3,250	3,725
500,001-1,200,000	4,450	3,225	2,775	3,050	4,875	5,575
1,200,001-3,000,000	6,700	4,825	4,175	4,600	7,325	8,350
3,000,001-6,000,000	10,025	7,225	6,275	6,900	11,000	12,525
6,000,000+	15,050	10,850	9,400	10,325	16,500	18,800

PROPOSED FY 2019 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	\$ 1,000	\$ 760	\$ 660	\$ 725	\$ 1,150	\$ 1,325
25,001-75,000	1,575	1,150	990	1,000	1,725	2,000
75,001-150,000	2,375	1,700	1,475	1,625	2,600	2,975
150,001-500,000	3,550	2,575	2,225	2,450	3,875	4,475
500,001-1,200,000	5,325	3,850	3,350	3,675	5,825	6,700
1,200,001-3,000,000	7,975	5,775	5,025	5,500	8,750	10,075
3,000,001-6,000,000	11,950	8,650	7,525	8,250	13,100	15,100
6,000,000+	17,950	13,000	11,275	12,400	19,650	22,650

Procedures Set for Cross-Service FM Translator Auction 100

The FCC's Office of Economics and Analytics, in conjunction with the Media Bureau, has released a Public Notice (DA 19-273) announcing the procedures and schedule for Auction 100 in which construction permits for cross-service FM translators will be sold. Cross-service FM translators are designated to rebroadcast the signals of AM radio stations.

This is a closed auction, open only to the 25 applicants in 12 mutually-exclusive groups who filed applications during one of the AM Revitalization FM translator windows and were unable to reach settlements to resolve their conflicts.

The auction will be conducted online as a simultaneous multiple-round affair, similar to most other auctions that the FCC has conducted for broadcast construction permits. Upfront payments are due by 6:00 p.m. Eastern Time on May 23. The bidding is scheduled to begin on June 25.

Applicants are reminded that the Commission's anti-collusion rules strictly forbid communications between any applicants about, among other things, their bids, bidding strategies, and post-auction market structure.

New Rules Adopted for FM Translator Interference continued from page 3

station and the prospect for interference. Listener complaints that come directly to the FCC will be forwarded to the desired station to use in connection with whatever broader interference claim it wishes to make.

The interference claim packet must also include technical exhibits: (1) a map plotting the location of each alleged interference site within the 45 dbu contour of the desired station; (2) a statement that the complaining station is operating within its authorized parameters; (3) a statement that the complaining station licensee has used commercially reasonable efforts to inform the translator licensee of the claimed interference and to attempt to reach a private resolution; and (4) undesired-to-desired signal strength data demonstrating that at each listener location the ratio of undesired-to-desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology.

Upon receipt of an interference claim packet from a station, Commission staff will review the contents for compliance with the rules. The validity of the listener complaints will be presumed. If the filing complies with the requirements stated above, the Commission will direct the complainant station to deliver the interference claim packet to the translator operator. The translator operator will then have the burden to rebut the presumption of the validity to the listener complaints, if it wishes to do so.

The translator must respond to a valid and complete interference claim by remediating the interference. The translator has the option to apply to move to any other vacant same-band (reserve noncommercial or non-reserved

commercial) channel as a minor change. The translator might also reduce its power or relocate its antenna. Otherwise, the translator operator may attempt to work with each listener complainant to resolve his or her complaints if the problem is the consumer's equipment. However, in a change from the previous policy, listeners are not required to cooperate with the translator. In cases where the listener agrees to cooperate, the interference must actually be addressed. The translator operator may not attempt to persuade the listener to withdraw the complaint with the promise of monetary or other consideration.

Upon completing its remediation effort, the translator and the complaining station must attempt to cooperate to develop a mutually satisfactory report to the Commission with technical data to demonstrate that the interference has been eliminated. If they are unable to agree on a method or the data, a mutually satisfactory third-party engineer will be engaged to prepare the report. The Commission staff will make the final determination about whether the interference has been resolved.

The Commission did not adopt a universally-applicable deadline for resolving interference. However, it did direct the Media Bureau to establish a schedule within the context of each specific case, with 90 days as a general guideline for the amount of time allowed for submitting a resolution report. The Bureau has the discretion to set shorter or longer deadlines.

Pending applications and complaints that have not been acted upon as of the effective date for the rules adopted in this *Report and Order* will be subject to these new rules. If necessary, parties will have an opportunity to submit supplemental filings to address the revised rules.

FCC Solicits More C-Band Comments continued from page 1

for repurposing C-Band spectrum for flexible use licenses. In response to that *Notice*, the Commission received comments that raise additional issues about the agency's authority to employ these mechanisms in this context. The Commission's International Bureau and Wireless Telecommunications Bureau have now issued a Public Notice (DA 19-385) to request a new round of comments on these questions. The basic issue to be considered concerns whether the holders of satellite space station authorizations and earth station registrations and licenses have enforceable interference protection rights against co-primary terrestrial operations.

To transmit downlink signals, a satellite operator must obtain a license from the FCC or a license from a foreign government along with the grant of U.S. market access from the Commission. These authorizations permit space station operators to transmit signals on C-Band frequencies on a non-exclusive basis, sharing the band with FS stations. Receive-only earth stations that are registered with the Commission are protected from interference from FS stations. The Bureaus ask to what extent the enforceable interference protection rights of a space station operator are dependent upon or derived from the rights of licensed or registered receive-only earth stations to receive signals from that operator's satellite. Conversely, does the space station operator have protection rights in areas where no downlinks are receiving its signals? In this context, should and/or could the Commission treat space stations licensed by a foreign government differently than domestically licensed satellites?

Previously filed comments suggest that flexible-use terrestrial operations would not suffer harmful interference from downlink signals, but could cause harmful interference to receive-only earth stations. The Bureaus request more information to confirm or refute this assertion. If this claim is accurate, what impact should it have on the Commission's approach to this matter?

Registered and licensed receive-only earth stations are protected from interference caused by terrestrial services. In the *Notice of Proposed Rulemaking* in this proceeding, the Commission proposed to continue to protect incumbent earth stations from interference caused by FS stations. Now the Bureaus seek comment on whether receive-only earth stations have spectrum usage rights as defined in the Communications Act. One possible scenario for reallocating the C-Band would be to conduct an incentive auction in which incumbent users would be paid to relinquish their spectrum rights. Section 309 of the Act authorizes the Commission to conduct incentive

auctions. It states that the agency "may encourage a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights" in the context of such an auction. However, the statute does not define the term, "licensed spectrum usage rights." Section 3(53) of the Act defines "license" as "that instrument of authorization required by [the Act] or the rules and regulations of the Commission made pursuant to [the Act], for the use or operation of apparatus for transmission of energy, or communications, or signals by radio, by whatever name the instrument may be designated by the Commission." The "transmission of energy . . . by radio," in turn, is defined to include "all instrumentalities, facilities, and services incidental to such transmission." Receive-only earth stations have not been eligible for a Commission license since 1991. However, in adopting the earth station registration program to replace licensing, the FCC provided that a registration would afford the same interference protection as a license issued under the former licensing procedures. The question now posed is whether the Commission's statutory incentive auction authority allows it to structure a reverse auction in which satellite operators and owners of receive-only earth stations would compete to relinquish their spectrum usage rights. If so, does that authority extend to space station operators licensed by a foreign government? If there is no statutory authority for allowing receive-only earth station owners to participate in an incentive auction, are there any other procedures available that would allow the Commission to authorize or require payments to them to induce them to modify or relocate their facilities?

Section 316 of the Act gives the Commission the authority to modify entire classes of station licenses by way of a rulemaking proceeding or adjudication. However, this authority has been interpreted not to extend to any "fundamental change" in the terms of the license. The Bureaus request comment as to the limitations that Section 316 may impose on the Commission with respect to space station and earth station operators if new terrestrial services are introduced into the C-Band. Would any of the proposals under discussion in this proceeding result in fundamental changes to the FSS authorizations?

Comments targeted specifically to the issues raised in the Public Notice are invited for submission in Docket 18-112. The filing deadline for comments will be 30 days after notice is published in the Federal Register. Reply comments will be due 45 days after that publication.

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