

Political File Requirements Clarified

The FCC has adopted orders resolving complaints alleging political file violations on the part of 12 commercial television stations that were submitted to the Commission in 2014 and 2016. The Media Bureau had ruled in response to these complaints in 2017. However, those actions were subsequently set aside and the complaints were returned to “pending” status to give the full Commission an opportunity to consider them. The complainants included the Campaign Legal Center, the Sunlight Foundation, Common Cause and the Benton Foundation.

In these orders, the Commission clarified and refined the obligations imposed on broadcast stations by the Bipartisan Campaign Reform Act of 2002 (“BCRA”). In a *Memorandum Opinion and Order* (FCC 19-100), the Commission admonished WTVT, Tampa; WFLA-TV, Tampa; WTVJ, Miami; WTVD, Durham, North Carolina; WWJ-TV, Detroit; KNXV-TV,

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Mandatory Access to Antenna Sites Under Review

In a *Notice of Proposed Rulemaking* (FCC 19-106) in Docket 19-282, the FCC has proposed to eliminate or revise its rules that require incumbent broadcasters to make their antenna sites available to potential competitors under certain circumstances. Section 73.239 (for commercial FM stations) and Section 73.635 (for full power and Class A television stations) of the Commission’s rules prohibit the grant, or renewal, of a license for a station if that applicant or licensee controls an antenna site that is peculiarly suitable for broadcasting in the area and does not make the site available for use by other similar licensees. These rules were adopted in 1945. The Commission seeks comment on whether these requirements, which it says are rarely invoked, are outdated and unnecessary in light of the significant changes in the broadcast marketplace over the past 75 years.

The Commission notes that these rules were enacted in an era when shortages of equipment and materials needed for

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Next FM Auction Set for April 28, 2020

Partial Filing Freeze in Effect Until After Auction

The FCC’s Office of Economics and Analytics and its Media Bureau have scheduled the next auction for vacant FM allotments to commence on April 28, 2020. The procedures proposed for this Auction 106 are set out in a Public Notice (DA 19-1027). The Commission will offer for sale 130 FM construction permits. A list of the communities, channels, and proposed minimum opening bids for these allotments is found on page 7.

At a later date, the Commission will announce the schedule for a filing window for short-form applications for the permits offered in this auction. Where two or more applications are filed for the same permit, the applicants will proceed to the bidding. Applicants will be required to deposit a refundable upfront payment equal to the minimum opening bid for each permit for which they apply. The proposed amounts for these payments are shown in the chart on page 7. In setting these figures, the Commission says that it

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Phoenix; WMUR-TV, Manchester, New Hampshire; and WDIV-TV, Detroit. The complaints against KMSP-TV, Minneapolis; WCNC-TV Charlotte; and KMGH-TV, Denver, were denied. In a separate *Order* (FCC 19-101), the Commission also admonished WCPO-TV, Cincinnati. The Commission acknowledged parties' claims that the political file obligations of broadcast stations were vague and therefore it imposed the relatively modest sanction of admonishment. However, the agency expressly placed all stations subject to the political file requirements on notice that future compliance with these obligations, as clarified in these decisions, will be enforced.

BCRA had the effect of amending Section 315(e) of the Communications Act of 1934, to add provisions regarding public disclosures required in connection with political advertising. Under Section 315(e)(1), a broadcast licensee must maintain and make available for public inspection a complete record of a request to purchase broadcast time that:

(a) is made by or on behalf of a legally qualified candidate for public office; or

(b) communicates a message relating to any political matter of national importance, including (1) a legally qualified candidate, (2) any election to federal office, or (3) a national legislative issue of public importance.

To effectuate these disclosures, Section 315(e)(2) requires broadcast licensees to place in their political files (which is an element of each station's Public Inspection File) the following information:

(a) whether the request to purchase time is accepted or rejected;

(b) the rate charged for the broadcast time;

(c) the date and time on which the communication is aired;

(d) the class of time that is purchased;

(e) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers;

(f) in the case of a request made by, or on behalf of, a candidate, the authorized committee of the candidate, and the treasurer of the committee;

(g) in the case of any other request, the name of the person or entity purchasing the time, the name, address and phone number of a contact person for such person or entity, and a list of chief executive officers or members of the executive committee or board of directors of such person or entity.

Section 315(e)(3) requires that this information be placed in the station's political file "as soon as possible."

The Commission distilled its interpretation of the statute to conclude that stations must include in the political files information about all political matters of national importance referenced in each ad, including (1) the names of all candidates for federal office referenced in the broadcast message; (2) the respective office to which each such candidate is seeking election; (3) all federal elections referenced in such message; and (4) all national legislative issues of public importance referenced in such message.

The Commission adopted the following clarifications about how it will enforce these statutory requirements.

- For each request to purchase political advertising time that triggers disclosure obligations, stations must disclose in their political files all political matters of national importance, including the names of *all* legally qualified candidates for federal office, and the offices to which they are seeking election, *all* elections to federal office, and *all* national legislative issues of public importance, to which the communication refers. Some of the complaints in these cases involved political file records that disclosed only partial lists of these categories of information.

- Licensees must disclose *all* of the chief executive officers or members of the executive committee or board of directors of any entity seeking to purchase political advertising time. In cases where the station has a reasonable basis for believing that the information provided by the advertiser is incomplete, the station will be deemed to have satisfied its obligation by making a single inquiry to the sponsor or the third-party purchaser acting on the sponsor's behalf as to whether there are any additional officers or committee or board members to be named. Some of the admonished stations had not included in their political files a complete list of all of the required names.

- Context will be considered in determining whether an advertisement speaks to a "political matter of national importance" that triggers these obligations. A message must be political in nature and of national importance. This encompasses political issues that are the subject of controversy or discussion at the national level, regardless of whether such issues relate to a candidate. The term also includes issues that are the subject of legislation pending in Congress with a Senate or House of Representatives bill number at the time the request for air time is made. Further, any legally qualified candidate for federal office that is mentioned in the message, whether or not personally appearing in the message, and regardless of whether the election or the office being sought is mentioned, must be identified in the political file records.

On the other hand, an advertisement for a commercial product that references an election or an issue of national importance incidentally will not trigger BCRA obligations. For instance, an ad for a product or service that includes a statement about its cost being eligible for coverage by Medicare would not implicate BCRA. Medicare could be considered an issue of national importance and could trigger a political file requirement if the message advocates or discusses a position about Medicare, even in the absence of pending legislation in Congress pertinent to Medicare. However, the product-related advertisement that does not discuss or advocate a position about Medicare and in which Medicare is only mentioned incidentally to the main topic – i.e., the product or service being advertised – is exempt from BCRA requirements.

BCRA does not mandate record-keeping regarding state or local candidates. The Commission noted, however, that a message featuring a state or local candidate speaking about an issue of national importance would probably trigger the requirement to disclose the particulars in the political file.

Many of the alleged violations cited by the complainants

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IPAWS Certificate in EAS Devices Expires November 8

The FCC's Public Safety and Homeland Security Bureau has released a Public Notice (DA 19-1144) disclosing a near-term need to update the certification for equipment receiving Common Alerting Protocol ("CAP") emergency alerts via the Integrated Public Alert and Warning System ("IPAWS"). The Federal Emergency Management Agency has notified the FCC that one of the certificates issued for IPAWS and installed in all Emergency Alert System ("EAS") devices will expire on November 8. The certificate authority did not issue a replacement certificate until October 28.

Section 11.56 of the Commission's rules requires EAS participants to "configure their systems to reject all CAP-formatted EAS messages that include an invalid digital signature." To validate a CAP-formatted message from IPAWS, the EAS device confirms that the digital signature associated with the CAP EAS alert matches the alert contents and that the signature was created by the certificate in the alert. An invalid or expired certificate will cause the device to reject the incoming message, and the alert will not be transmitted to the public.

The Bureau recognizes that the late availability date of the replacement certificate may leave insufficient time for some

EAS participants to update their EAS devices with the new certificate by November 8. If the replacement has not been installed before the old certificate expires, the EAS participant will be unable to process and transmit CAP-formatted EAS alerts distributed by IPAWS.

Section 11.35(b) of the Commission's rules permits an EAS participant to continue to operate despite defective EAS equipment for a period of 60 days without further FCC authority. The Bureau states that EAS participants may rely on this rule if they are unable to update their devices by November 8. However, in that event, the Bureau expects EAS participants to make reasonable and good faith efforts to complete installation of the replacement certificate prior to the expiration of the 60-day period following November 8, i.e. by January 7, 2020. Stations who find that they will need additional time beyond January 7 must submit an informal request for additional time via email to alerting@fcc.gov.

Over-the-air EAS messages initiated by Primary Entry Point stations, as well as state and local alerts initiated by State Primary and other non-IPAWS sources, are not affected by this situation.

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involved advertisements sponsored by political party committees or political action committees, commonly called "PACs." Although stations disclosed in their political files the information about the PAC, they often failed to identify the candidate(s) and/or the issue(s) discussed in the message. The Commission emphasized that all of the elements present in the ad must be identified, i.e., the sponsor, the federal candidate(s) and/or the issue(s). As a result, for ads that reference federal candidates, the FCC's rules require disclosure of the election and the office the candidates are pursuing.

One station was admonished for identifying a sponsor by an acronym that was "insufficiently descriptive." The Democratic Senatorial Campaign Committee was merely identified as "DSCC-IE."

BCRA obligates stations to place the relevant information in the political file "as soon as possible." The FCC has codified this provision about timeliness in Section 73.1493(c) of its rules to mean "immediately absent unusual circumstances." In one of these cases, the Commission found that although the spots giving rise to BCRA obligations began running on January 19, 2014, documentation was not placed in the political file until April 1, 2014. The station did not sufficiently justify this delay and the Commission admonished it for failing to maintain its political file in a timely manner.

In another case, a legally qualified candidate for the United States Senate was mentioned in a spot as a supporter of a rulemaking proposal at the Internal Revenue Service. The ad's sponsor was opposed to the IRS proposal. The message identified the candidate by name, but did not describe him as a candidate and did not identify the election in which he was

running. The station's political file report about this ad did not disclose the candidate or the rulemaking proposal. The station argued that because the individual was not named in the spot as a candidate in connection with an election, it had no obligation to identify him in the political file. The Commission ruled otherwise. The mere mention of a candidate in the spot triggers the BCRA political file requirement.

The Commission observed that the IRS rulemaking did not fall within the definition of a national legislative issue of public importance because it was not the subject of a bill in Congress. However, it did qualify as a political matter of national importance, and therefore triggered the political file obligation. Both the candidate and the IRS proposal should have been disclosed in the political file.

Two stations opposed the complaints on the grounds that the complainants had no standing to file these complaints against them. Generally, to have standing to file a petition against a broadcast station, a party must be a competitor in the broadcast market, a broadcaster suffering radio frequency interference, or a resident of the station's service area. The public interest organizations that filed the complaints did not allege that they met any of these criteria. However, the Commission ruled that the complainants did indeed have standing to bring these complaints. The agency observed that there is "nothing in the [Communications] Act, the Commission's Public File rules, or Commission precedent [that] requires a complainant to demonstrate that he or she resides within a station's viewing area to file a complaint for violation of the political file rules."

Commissioner Jessica Rosenworcel issued a Concurring Statement. While agreeing that this decision was a helpful step

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DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

November 1 & 16	Radio stations in Florida, Puerto Rico, and the Virgin Islands broadcast post-filing announcements regarding license renewal applications.	December 1 & 16	Radio stations in Alabama, Florida, Georgia, Puerto Rico, and the Virgin Islands broadcast post-filing announcements regarding license renewal applications.
November 1 & 16	Radio stations in Alabama and Georgia broadcast pre-filing announcements regarding license renewal applications.	December 1 & 16	Radio stations in Arkansas, Louisiana, and Mississippi broadcast pre-filing announcements regarding license renewal applications.
December 1	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 Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont.	January 1 & 16	Radio stations in Alabama and Georgia broadcast post-filing announcements regarding license renewal applications.
December 2	Deadline to file license renewal applications for radio stations in Alabama and Georgia.	January 1 & 16	Radio stations in Arkansas, Louisiana, and Mississippi broadcast pre-filing announcements regarding license renewal applications.
December 2	Deadline for all broadcast licensees and permittees of stations in Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont 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).	January 10	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.
December 2	Deadline for television stations that provided ancillary or supplementary services during the 12-month period ending September 30, 2019, to file annual Ancillary/Supplementary Services Report.	January 10	Deadline to file quarterly Transition Progress Reports for television stations subject to modifications in the repack except for stations in Phase 8.
		January 10	Deadline for noncommercial stations to file quarterly report re third-party fundraising.
		January 31	Deadline to file Children's Television Programming Reports for all commercial full power and Class A television stations for the period September 16 - December 31, 2019.

Lowest Unit Charge Schedule for 2020 Political Campaign Season

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

STATE	ELECTION EVENT	DATE	LUC PERIOD
Iowa	Presidential Caucuses	Feb. 3	Dec. 20 - Feb. 3
Nevada	Dem. Pres. Caucus	Feb. 22	Jan. 8 - Feb. 22
New Hampshire	Presidential Primaries	Feb. 11	Dec. 28 - Feb. 11
South Carolina	Dem. Pres. Primary	Feb. 29	Jan. 15 - Feb. 29

**FILING WINDOW FOR
2019 BIENNIAL OWNERSHIP REPORTS
WITH OCTOBER 1, 2019, SNAPSHOT DATE
NOVEMBER 1, 2019 – JANUARY 31, 2020**

**DEADLINE FOR LPTV STATIONS
TO FILE REIMBURSEMENT CLAIMS
RE TELEVISION REPACK
NOVEMBER 14, 2019**



DEADLINES TO WATCH



Deadlines for Comments in FCC and Other Proceedings

DOCKET

COMMENTS

REPLY COMMENTS

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

Docket 16-142; Public Notice (DA 19-1036) Petition to amend rules re distributed transmission systems	Nov. 12	Nov. 27
Docket 19-212; NPRM (FCC 19-87) Electronic filing in the Wireless Radio Services		Nov. 14
Docket 17-264; FNPRM (FCC 19-97) Public notice of the filing of applications	Nov. 18	Dec. 2
Copyright Royalty Board; NPRM Docket 19-CRB-0005-WR (84 FR 57833) Copyright royalties for streaming by public radio stations for 2021-2025	Nov. 19	n/a
Docket 19-290; NPRM (DA 19-1027) Bidding procedures for FM Auction 106		Nov. 20
Docket 19-214; NPRM (FCC 19-86) Streamlining Administrative Hearings		Nov. 21
Docket 19-105; FNPRM (FCC 19-83) Regulatory fees	Nov. 22	Dec. 23
Docket 19-282; NPRM (FCC 19-106) Access to common antenna sites	Dec. 6	Dec. 23

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

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
Public Inspection Files, Sections 73.3526, 73.3527	Nov. 8
Children's television programming, Sections 73.671, 73.673	Nov. 8
Non-duplication and syndicated exclusivity rules, Sections 76.122, 76.123, 76.124	Nov. 20
FM translator time of operation, Section 74.1263	Nov. 26
International broadcast station applications, Forms 309, 310, 311	Dec. 2
Radio astronomy coordination zone in Puerto Rico, Sections 25.203(I) and 73.1030(a)(2)	Dec. 3
AM pre-sunrise and post-sunset authorization, Section 73.99	Dec. 9
Experimental authorizations, Section 73.1510	Dec. 9
AM auction Section 307(b) submissions	Dec. 9
Significantly viewed signals, Section 76.54	Dec. 17
Alternative broadcast inspection program	Dec. 17
Satellite space station and earth station applications, Forms 312, 312-EZ, 312-R	Dec. 24
Licensing regulations under Section 310(b) of the Communications Act	Dec. 31

TELEVISION REPACK

STATIONS ASSIGNED TO PHASE 7

TESTING PERIOD BEGINS: **OCTOBER 19, 2019**

COMPLETION DEADLINE: **JANUARY 17, 2020**

STATIONS ASSIGNED TO PHASE 8

TESTING PERIOD BEGINS: **JANUARY 18, 2020**

COMPLETION DEADLINE: **MARCH 13, 2020**

Media Bureau To Conduct Symposium on Broadcast Industry Trends

The FCC's Media Bureau has announced in a Public Notice (DA 19-1092) that it will conduct a symposium on November 21 entitled, "Current and Future Trends in the Broadcast Radio and Television Industries." The Bureau states that the goal of this event will be to hear from industry experts and participants about the current and future trends, challenges, and opportunities facing the broadcast radio and television industries. Presentations will be offered by two panels of representatives of large and small broadcast companies, along with experts and analysts.

The symposium will be held in the Commission's Meeting Room at its headquarters building in Washington. The radio panel will convene at 10 a.m., Eastern Time. The television panel will follow at 1:15 p.m., after a break for lunch.

The public is invited to attend in person, although seating in the Meeting Room is limited. The event will be streamed live on the Internet, available from the FCC's web page at www.fcc.gov/live.

Mandatory Access to Antenna Sites Under Review continued from page 1

broadcasting were a serious impediment to the development of new stations. During the 1940s, the FCC was very concerned about the effect that concentration of broadcast ownership and anticompetitive practices by broadcast networks had on competition and diversity in the industry. The language in these rules suggests that their purpose was to prevent restrictions on competition that could arise from the exclusive use of a unique antenna site.

The Commission observes that substantial changes in the broadcast marketplace have occurred since 1945. At that time there were only 46 licensed FM stations in the country. As of June 30, 2019, there were 6,726 commercial FM stations and 4,179 noncommercial FM stations. Further, the terrestrial radio market today also includes 4,610 AM stations, 2,178 low power FM stations, and over 8,000 FM translators and boosters. In 1945, there were nine licensed television stations. This year there are 1,757 full power television stations, 387 Class A stations, about 1,900 low power television stations, and over 3,600 television translators.

Another important change since 1945 has been the growth of tower ownership by nonbroadcast companies whose business is to rent access to useful sites for the deployment of broadcast antennas. Hence, many broadcasters do not own their antenna sites and have no or much diminished power to prevent competitors from using the same sites.

The Commission asks whether these rules continue to serve the public interest in light of the vast changes in the broadcasting marketplace and infrastructure that have occurred since 1945. The agency says that no application has ever been denied under these rules, and the only evidence it could find of these rules being raised was in the context of disputes in which a party unjustifiably invoked them, resulting in needless adjudication and delay.

The Commission requests that commenters who advocate retention of these rules provide information and data about specific circumstances in which the rules have proven useful in promoting access to sites peculiarly suitable for broadcasting.

Commenters who support abolishing the rules are asked to discuss the potential benefits and costs of eliminating them. Would stations that own towers have an incentive to engage in anticompetitive behavior if the rules were eliminated? Or would it be more beneficial financially for them to lease excess tower space to other stations? Are there impending changes to the broadcast industry that would have an impact on this issue, such as the transition of television to ATSC 3.0?

Comments in this proceeding will be due 30 days after notice is published in the Federal Register. Reply comments can be submitted until 45 days after that publication.

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in modernizing the rules implementing BCRA, she argued that this action did not go far enough. Public disclosure of the players and forces behind political advertising is the purpose underlying BCRA. However, the sheer volume of material being placed in broadcast stations' political files makes it difficult to research in a meaningful way. She stated that during the preceding week, some 42,111 documents had been posted to the FCC's political file portal. She cited researchers who

claimed that with this quantity, the Commission's data was "pretty useless" and "effectively unusable." Commissioner Rosenworcel urged the Commission to update the online Public File system for the digital age. She suggested that the data collected and maintained by the agency should be machine-readable so that it can be searchable, sortable, and downloadable for practical use by the public.

FM Construction Permits Offered in Auction 106

COMMUNITY	CHANNEL	OPENING BID	COMMUNITY	CHANNEL	OPENING BID
Kotzebue, AK	280A	\$ 1,500	Sagaponack, NY	233A	\$ 45,000
Yakutat, AK	280A	750	Shelter Island, NY	277A	45,000
Camden, AL	230A	3,500	Westfield, NY	265A	25,000
Maplesville, AL	92A	10,000	Clayton, OK	262A	1,500
Thomaston, AL	280C3	15,000	Millerton, OK	265C2	10,000
Rison, AR	255A	7,500	Wayne, OK	266A	20,000
Desert Hills, AZ	292A	25,000	Wright City, OK	295A	10,000
Ehrenberg, AZ	228C2	15,000	Boardman, OR	231C3	7,500
First Mesa, AZ	281C	15,000	Huntington, OR	228C1	45,000
Overgaard, AZ	234C1	20,000	Powers, OR	293C2	15,000
Salome, AZ	231A	1,500	Englewood, TN	250A	25,000
Sells, AZ	285A	1,500	Albany, TX	255A	1,500
Snowflake, AZ	259C2	25,000	Big Lake, TX	252C2	1,500
Tusayan, AZ	222C1	2,500	Big Lake, TX	281C1	60,000
Boonville, CA	300A	7,500	Bogata, TX	247A	20,000
Cartago, CA	233A	1,500	Canadian, TX	235C1	25,000
Coalinga, CA	247B1	45,000	Carrizo Springs, TX	228A	7,500
Cottonwood, CA	221A	35,000	Carrizo Springs, TX	295A	3,500
Earlimart, CA	228A	45,000	Centerville, TX	274A	2,500
Essex, CA	280B	750	Crystal Beach, TX	268A	1,500
Ft. Bragg, CA	253B1	10,000	Encino, TX	250A	2,500
Ludlow, CA	261B1	1,500	Fort Stockton, TX	263C	15,000
Randsburg, CA	275A	1,500	Groom, TX	273A	1,500
Sacramento, CA	300B	100,000	Hale Center, TX	236C1	20,000
Battlement Mesa, CO	275C3	75,000	Junction, TX	277C3	1,500
Dotsero, CO	261A	25,000	Lockney, TX	271C	7,500
Eckley, CO	257C1	7,500	Lovelady, TX	288A	7,500
Hugo, CO	222A	1,500	Milano, TX	274A	7,500
Stratton, CO	246C1	7,500	Mount Enterprise, TX	279A	10,000
Cross City, FL	249C3	20,000	Mullins, TX	277A	5,000
Fort Walton Beach, FL	295A	60,000	Olney, TX	282A	3,500
Pembroke, GA	257C1	75,000	Paint Rock, TX	296C3	2,500
Haynesville, LA	286A	3,500	Premont, TX	264C3	10,000
Oil City, LA	285A	15,000	Richland Springs, TX	235A	1,500
Dunkerton, IA	280A	60,000	Rising Star, TX	290C3	5,000
Rockford, IA	225A	25,000	Roscoe, TX	228A	10,000
Abingdon, IL	291A	25,000	Rule, TX	253A	1,500
Carney, MI	260A	5,000	Sanger, TX	281C3	75,000
Custer, MI	260A	7,500	San Isidro, TX	255A	750
Houghton, MI	242C1	25,000	San Isidro, TX	278A	750
Lake Isabella, MI	255A	45,000	Teague, TX	237C3	10,000
Onkama, MI	227C3	20,000	Trinity, TX	251A	10,000
Pigeon, MI	267A	10,000	Wellington, TX	253C3	3,500
Grand Marais, MN	245C3	1,500	Wells, TX	254A	10,000
Maryville, MO	285C3	15,000	Huntington, UT	287C3	10,000
Bruce, MS	233A	10,000	Paragonah, UT	258A	10,000
McLain, MS	245A	10,000	Hardwick, VT	290A	10,000
New Albany, MS	268A	25,000	West Rutland, VT	298A	25,000
New Augustus, MS	269A	45,000	Coupeville, WA	266A	25,000
Valier, MT	289C1	10,000	Kahlotus, WA	283A	2,500
Bayard, NE	251A	15,000	Raymond, WA	300A	7,500
Gackle, ND	256C1	15,000	Trout Lake, WA	236A	10,000
Groveton, NH	268A	10,000	Crandon, WI	276A	1,500
Jefferson, NH	247A	10,000	Tomahawk, WI	265C3	10,000
Stratford, NH	254A	10,000	Albin, WY	282C3	2,500
Animas, NM	279C1	2,500	Cora, WY	274C2	3,500
Chama, NM	241C3	2,500	Lusk, WY	242A	750
Des Moines, NM	287C	10,000	Manville, WY	255C1	5,000
Lovington, NM	269C3	25,000	Marbleton, WY	257C1	3,500
Skyline-Ganipa, NM	240A	10,000	Meeteetse, WY	259C	10,000
Caliente, NV	264A	1,500	Medicine Bow, WY	259C3	750
Tonopah, NV	224A	1,500	Rawlins, WY	298C2	5,000
Keeseville, NY	231A	75,000	Rozet, WY	256C3	20,000
Livingstone Manor, NY	296A	25,000	Wamsutter, WY	285A	750
Narrowsburg, NY	275A	40,000	Wheatland, WY	293A	3,500

Petitioners Request Relaxation of DTS Restrictions

America's Public Television Stations and the National Association of Broadcasters have filed a Joint Petition for Rulemaking with the FCC to propose revisions to Section 73.626 of the Commission's rules. This rule section governs the deployment of Distributed Transmission Systems ("DTS"), also known as single frequency networks.

DTS facilities are used to enhance service throughout a parent digital television station's service area, especially near the edge of the coverage area. They can improve mobile reception and foster more efficient use of spectrum by reducing the need for translators on different channels.

As the petitioners point out, however, deployment of DTS at the edge of the parent station's coverage area is restricted right where it is most needed. Under the current rules, the noise limited contour ("NLC") of a DTS transmitter may not extend beyond either (1) the NLC of the reference facility on which the DTS is based, or (2) a circle around that facility

with a radius that depends on the station's band and location. This restriction was adopted to prevent stations from unduly expanding their service areas and to promote localism.

The Petitioners assert that the Commission could balance the goals of preserving localism while encouraging stations to provide superior service by allowing DTS transmitters more leeway. They propose to revise the rule so as to allow a DTS transmitter's NLC to exceed the parent station's NLC with the limitation that for UHF stations, the DTS transmitter's 36 dBu F(50,10) interference contour may not exceed the parent's 36 dBu F(50,10) contour. This value was suggested to avoid interference with co-channel Class A and LPTV operations.

The Commission has invited public comment on this Petition for Rulemaking in Docket 16-142. Comments are due by November 12. Replies must be submitted by November 27. A copy of the Petition may be downloaded from the FCC's website at <http://apps.fcc.gov/ecfs/>.

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has taken into account the type of service and class of facility, market size, population covered in the proposed service area, and recent broadcast transaction data. The public is invited to comment on the appropriateness of the proposed upfront payments and opening bids.

The Commission proposes to use a simultaneous multiple-round design for this auction, similar to that employed in broadcast auctions it has conducted in the past. Bidding will take place online, with an option for placing bids by telephone as well. All permits will be available for bidding in each round until the auction closes. A system of incremental bids is proposed, with 10 percent as the increment. After the minimum opening bid has been accepted, the minimum acceptable bid will be 10 percent of the provisionally winning bid from the previous round. An applicant would have the option to submit a higher bid consisting of the sum of the provisionally winning bid and one of eight incremental percentages of that bid, i.e., the provisionally winning bid plus 20, 30, 40, 50, 60, 70, 80 or 90 percent.

A bidder will be required to bid on the full range of permits for which it is eligible in a given round, unless it is the provisionally winning bidder on a permit in the previous round or it uses one of three available activity waivers. Otherwise, failure to bid with the full range of eligibility will result in a reduction of eligibility for future rounds.

At the close of bidding, a schedule will be established for the payment of winning bids. Applicants who do not win any permits will have their upfront payments refunded. A

winning bidder that defaults on payment of the bid price or that is disqualified after the auction closes will be liable for a default payment. Under the Commission's rules, the default payment consists of a deficiency payment, equal to the difference between the amount of the Auction 106 bidder's winning bid and the amount of the winning bid the next time that the construction permit is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less. The Commission proposes that for Auction 106, the value for that additional payment would be 20 percent.

The Commission set November 6 as the deadline for filing comments about these proposed procedures for Auction 106 in Docket 19-290. Reply comments will be due on November 20.

To provide a stable environment for permits on offer in this auction, the Commission has frozen the filing of applications and petitions for rulemaking that would have an impact on any Auction 106 construction permit. The freeze includes any (1) applications proposing to modify any allotment, (2) petitions and counterproposals that propose any change in channel, class, community, or reference coordinates for any listed allotment, and (3) applications, petitions and counterproposals that fail to fully protect any allotment. The freeze will terminate automatically the day after the deadline for winning Auction 106 applicants to file their long-form applications.

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