

Next Gen TV Issues Clarified

In 2017, the FCC authorized the voluntary implementation of the television transmission standard known as ATSC 3.0, also called Next Generation TV, or Next Gen TV, in a *Report and Order and Further Notice of Proposed Rulemaking* (FCC 17-158) in Docket 16-142. In that release, the FCC solicited public input on unresolved issues. The FCC has now adopted a *Second Report and Order and Order on Reconsideration* (FCC 20-72) to resolve and clarify those outstanding issues and to respond to petitions for reconsideration.

The first issue concerns waivers and exemptions from the requirement to simulcast ATSC 1.0 and ATSC 3.0 program streams during a transition period. Stations launching ATSC 3.0 are required to partner with another local station to facilitate the transition. One of the stations is to simulcast the ATSC 1.0 stream for both stations while the second station revamps its facilities for ATSC 3.0. If and when the first station elects to convert to 3.0, the second station will host a simulcast of the first station's 1.0 stream. Ultimately, each station with ATSC 3.0 capability is to continue to simulcast at least one ATSC 1.0 standard definition program stream.

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Consolation Prizes Fail To Prevent Fines

In two separate and unrelated cases, the FCC's Enforcement Bureau has issued a *Notice of Apparent Liability for Forfeiture* to each of KSII(FM), El Paso, Texas (DA 20-693), and KFNC(FM), Mont Belvieu, Texas (DA 20-447), for violating the Commission's rule about how to conduct on-air contests, as set forth in Section 73.1216. The rule requires that a station must conduct its contest in strict compliance with the station's rules for the contest. In each case, apparently inadvertent communication failures within the station's staff led to the failure to timely deliver prizes to contest winners as specified in the station's contest rules. In each case, the station eventually gave the contest winners substantial alternate prizes. Nonetheless, the Enforcement Bureau proposes a fine against each station.

On November 22, 2016, KSII conducted a contest on

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Petitioners Propose Origination for FM Translators

A group of radio station owners has filed a Petition for Rulemaking with the FCC to propose changes in the rules governing FM translator stations, including allowing translators to originate programming. The petitioners identify themselves as "Broadcasters for Limited Program Origination." The group includes 24 licensees, collectively holding 108 full service radio stations and 84 FM translators.

This Petition was submitted in the wake of an earlier Petition for Rulemaking filed by broadcast equipment vendor GeoBroadcast Solutions, LLC, which proposed an operating mode for FM boosters it dubbed as "zonecasting." Zonecasting would involve FM booster stations originating small amounts of programming directed at specific hyper-local areas or audiences within the primary station's coverage area, such as specialized advertising and promotions, weather reports, or reporting on local matters of public interest that may not concern the entire larger coverage area.

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Legal Status Set for Broadcast Internet

In a *Declaratory Ruling and Notice of Proposed Rulemaking* (FCC 20-73) in Docket 20-145, the FCC has ruled that the wide range of nonbroadcast services that can be provided over the ATSC 3.0 facilities of digital television stations will not be subject to most rules governing broadcasting. The Commission describes the functionality of ATSC 3.0 as an IP-based broadcast transmission platform that merges the capabilities of over-the-air broadcasting with the broadband viewing and information delivery methods of the Internet, using the same six-MHz channels allocated for digital television service. The FCC dubbed this phenomenon “Broadcast Internet.”

Section 73.624(c) of the FCC’s Rules authorizes digital television stations to use a portion of their transmission capacity to offer nonbroadcast ancillary and supplementary services. In this *Declaratory Ruling*, the FCC clarifies that ATSC 3.0 nonbroadcast services are to be regulated under the rubric of the ancillary and supplementary services permitted by this rule. The Commission explained that the lease of excess broadcast spectrum capacity to a third party, including another broadcaster, for the provision of ancillary and supplementary services does not result in attribution under the broadcast television ownership rules or for any other requirement related to television station attribution, such as filing ownership reports. The Commission intends that this clarification will encourage investment and innovation.

In the *Notice of Proposed Rulemaking*, the FCC launches a proceeding into what to expect from Broadcast Internet, and how it should be regulated. The Commission invites comment about what regulations it could adopt to promote such services, and to encourage experimentation and innovation. As an example, the FCC asks whether it should revise the broadcast licensing rules to allow for partnerships or leasing arrangements beyond those covered by the *Declaratory Ruling*, such as leases resembling those used by wireless licensees. The Commission tentatively concluded that there is no legal prohibition for noncommercial stations to offer Broadcast Internet services on a for-profit, commercial

basis. Comments on this conclusion are invited.

The revenue that a station receives from ancillary and supplementary services is subject to a five percent fee payable to the U.S. Treasury. The FCC asks whether the development of new heretofore unanticipated Broadcast Internet services should trigger a review of the amount of these fees and how they are calculated.

While authorizing ancillary and supplementary services, Section 73.624(c) of the FCC’s Rules states that such services must not derogate the obligations of digital television stations to provide at least one free over-the-air standard definition program stream that is at least comparable in resolution to analog television. The FCC solicits comment on whether the existing definition of what constitutes derogation remains valid for ATSC 3.0 operations. The Commission tentatively concluded that the station’s minimum broadcast service should remain at one standard definition program stream. It also tentatively concluded to define “resolution comparable to analog television programming” as 480i (480 vertical interlaced lines).

The Communications Act requires the FCC to make ancillary and supplementary services subject to the same regulations applicable to “analogous” services. The question arises as to how to determine whether Broadcast Internet services are analogous to any other services presently regulated by the Commission. The FCC requests comment on whether it should provide additional guidance regarding the factors or other approaches it will use to determine whether an ancillary or supplementary service is sufficiently analogous to another regulated service. Issues to consider include whether a separate license might be required, and if so, whether the licensee should be the digital television operator or the lessee of its spectrum.

Public comment on these and other issues will be due 30 days after publication of notice of this proceeding in the Federal Register. The deadline for reply comments will be 45 days after that publication.

No ETRS Updates Needed This Year

For several years, the FCC and the Federal Emergency Management Agency (“FEMA”) have coordinated a nationwide test of the Emergency Alert System (“EAS”) to assess the reliability of the nation’s alert and warning system. EAS participants provide the FCC with information about their performance in the test through the EAS Test Reporting System (“ETRS”). ETRS is an online system used by the FCC to collect and analyze the results of the nationwide test.

The FCC’s Rules require EAS participants to renew their registration information in ETRS annually.

Due to the COVID-19 pandemic, FEMA has decided not to conduct a nationwide EAS test this year. Consequently, there remains little reason to update data on ETRS. The FCC’s Public Safety and Homeland Security Bureau has issued an *Order* (DA 20-717) waiving the ETRS update requirement for all EAS participants for 2020.

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These arrangements are intended to mitigate disruption for the viewing public during the early phase of the transition when the market penetration of ATSC 3.0-capable television receivers will likely be small.

The FCC recognizes that finding a compatible partner station in the same designated market area (“DMA”) with a roughly similar coverage area may not always be easy. Consequently, it adopted a policy for considering requests for waivers of the requirement for stations proposing to deploy ATSC 3.0 without a simulcasting partner. The FCC rejected the notion of a blanket exemption from the simulcasting rule for whole categories of stations, such as noncommercial stations or Class A stations. Stations in those categories will have to join the rest of the industry in pursuing waivers on a case-by-case basis. The waiver policy has two prongs.

First, the waiver proponent must show that there is no viable simulcasting partner available for it. The Commission will presume that a full power Next Gen TV station has no viable local simulcasting partner available if there are fewer than three (i.e., zero to two) potential full power partners in the same DMA that can cover its entire community of license. Class A and low power stations are not counted for this assessment.

The FCC will presume that a Class A station has no viable potential partner available to it if there are fewer than three Class A TV stations in the same DMA that meet the following criteria: (1) the protected contour overlaps the transitioning station’s protected contour, and (2) the station is within 30 miles of the transitioning station’s antenna site. LPTV stations will not be counted for this analysis, although a Class A station can partner with an LPTV station if it wishes to do so.

The second prong of the waiver policy is that the transitioning station must make “reasonable efforts” to preserve 1.0 service and minimize the impact on viewers. The FCC says that it is critical that a station seeking a waiver of the simulcasting requirement can still achieve the purpose of the simulcasting rule – ensuring that viewers can continue to watch television during the transition with their 1.0 receivers. The Commission says it will look favorably on waiver requests that include a plan to distribute ATSC 3.0 converter devices at cost or low cost to over-the-air households in the transitioning station’s community of license. The waiver request should include such details as: (1) the type of devices intended for distribution, (2) the cost, if any, to be charged to eligible viewers, (3) how the applicant intends to inform viewers of the need for and availability of devices, and (4) how viewers will be able to request and obtain the device. Although converter devices appear to be the most viable option for securing continued reception on ATSC 1.0 receivers, the FCC says that they are not absolutely required to qualify for a waiver and that it will consider each request on case-by-case basis.

LPTV stations that opt to deploy ATSC 3.0 are not

required to implement simulcasting with a partner station. However, they are permitted to do so.

Another issue from the last round of comments concerned the use of vacant channels. An alternative to the simulcasting mode requiring the participation of two stations could be for the transitioning station to establish its simulcast operation temporarily on a vacant channel. The FCC rejected this concept, finding that widespread adoption of vacant channels would discourage reliance on local simulcasting partnership arrangements, which were intended to accomplish the voluntary deployment of ATSC 3.0 with the efficient use of spectrum. Use of vacant channels for ATSC 3.0 deployment would have a negative impact on whitespace users and secondary LPTV and television translator stations.

The third issue about which the FCC had invited comment is the “significantly viewed” status of Next Gen stations. The Commission decided that the significantly viewed status of a Next Gen station should not change if it moves its ATSC 1.0 simulcast channel to a temporary host facility. A station that relocates its ATSC 1.0 simulcast channel cannot seek to gain significantly viewed status in new communities or counties and cannot lose that status in communities or counties for which it qualified prior to the move of its ATSC 1.0 channel.

In the portion of this action designated as the *Order on Reconsideration*, the FCC rejected requests to reconsider its previous holdings on the following topics:

(1) July 17, 2023, will remain the sunset date for the requirement that simulcast ATSC 1.0 and 3.0 program streams be “substantially similar.” The FCC said that approximately one year prior to that date, it will seek comment about whether the requirement should be extended in view of marketplace conditions at that time.

(2) March 6, 2023, will remain the sunset date for the requirement that a station’s free over-the-air Next Gen stream adhere to the ATSC A/322 standard. The Commission said that approximately one year prior to that date, it will seek comment about whether the requirement should be extended in view of marketplace conditions at that time.

(3) Next Gen stations will not be required to provide the obligatory ATSC 1.0 simulcast stream in high definition. Standard definition will suffice to satisfy the mandate.

(4) LPTV and TV translator stations that opt to deploy ATSC 3.0 will continue to be exempt from the requirements to simulcast a 1.0 stream.

(5) The FCC rejected requests to adopt new rules to regulate retransmission consent for ATSC 3.0 streams. ATSC 3.0 program streams are not subject to must-carry obligations. On the other hand, there is no regulatory barrier to their carriage by cable or satellite service providers.

(6) The FCC declined to adopt rules to require that patents relevant to ATSC 3.0 be licensed on a reasonable and nondiscriminatory basis.



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

July 1 & 16	Radio stations in Michigan and Ohio , and television stations in the District of Columbia, Maryland, Virginia, and West Virginia broadcast post-filing announcements regarding license renewal applications.	August 3	Deadline for all broadcast licensees and permittees of stations in California, Illinois, North Carolina, South Carolina, and Wisconsin to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).
July 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been waived for radio stations in Illinois and Wisconsin and television stations in North Carolina and South Carolina .	August 1 & 16	Radio stations in Illinois, Michigan, Ohio, and Wisconsin and television stations in the District of Columbia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia broadcast post-filing announcements regarding license renewal applications.
July 10	Deadline to place Issues/Programs List for first and second quarters of 2020 in Public Inspection File for all full service radio and television stations and Class A TV stations.	August 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been waived for radio stations in Iowa and Missouri and television stations in Florida, Puerto Rico, and the Virgin Islands .
July 10	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.	September 1 & 16	Radio stations in Illinois and Wisconsin and television stations in North Carolina and South Carolina broadcast post-filing announcements regarding license renewal applications.
July 10	Deadline for noncommercial stations to file quarterly report re third-party fundraising.	September 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been waived for radio stations in Iowa and Missouri and television stations in Florida, Puerto Rico, and the Virgin Islands .
July 10	Deadline to file quarterly Transition Progress Reports for television stations that have not completed repack modifications.		
August 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 California, Illinois, North Carolina, South Carolina, and Wisconsin .		
August 3	Deadline to file license renewal applications for radio stations in Illinois and Wisconsin , and television stations in North Carolina and South Carolina .		

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
3.7 GHz band relocation payment clearinghouse	July 17
Application for experimental radio station, Form 405	July 17
Repack Transition Progress Report, Form 2100, Schedule 387	July 29
DTV Ancillary and Supplementary Services Report, Form 2100, Schedule G	Aug. 6
Low power TV channel sharing, Form 2100, Schedule C	Aug. 17
Rates for candidate ads, Section 73.1942	Aug. 28
AM directional antenna field strength measurements, Section 73.61	Sep. 8
3.7 GHz band space station operator accelerated relocation elections and transition plans	Sep. 8
3.7 GHz incumbent earth station lump sum payment elections	Sep. 8



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 20-74; NPRM (FCC 20-43) Distributive transmission systems and NextGen TV		July 13
Docket 19-226; NPRM (FCC 19-126) Human exposure to radiofrequency electromagnetic fields		July 20
RM-11854; Public Notice Petition for Rulemaking to allow program origination by FM translators	July 23	August 7
Docket 18-295; FNPRM (FCC 20-51) Unlicensed use of 6 GHz band		July 27
Docket 20-155; NPRM (DA 20-606) Add Channel 238A at Edgefield, South Carolina, to FM Table of Allotments	August 3	August 18
Docket 20-158; Public Notice (DA 20-581) Termination of dormant proceedings	August 5	August 20
U.S. Copyright Office; NPRM Docket 2020-10 (85 FR 34150) Notices of termination of copyright assignments	August 5	N/A
Docket 20-145; NPRM (FCC 20-73) Broadcast Internet via ATSC 3.0	August 17	August 31
Docket 13-42; NPRM (FCC 20-89) Reallocation of T-Band spectrum	FR+30	FR+60

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

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

The FCC has accepted for filing the applications identified below proposing to change each the community of license for each station. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **August 7, 2020**. Informal objections may be filed anytime prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Bentonville-Bella, AR	Gentry, AR	KREB(AM)	n/a	1190
Rogers, AR	Decatur, AR	KFFK(AM)	n/a	1390
Dove Creek, CO	Navajo Mountain, UT	KDVK	278	103.5
Clayton, GA	Toccoa, GA	WRBN	239	95.7
Geneva, IL	Somonauk, IL	WSPY(AM)	n/a	1480
Dannemora, NY	Plattsburgh West, NY	WPLA	296	107.1
Plattsburgh West, NY	Ray Brook, NY	WIRY-FM	264	100.7
Saranac Lake, NY	Warrensburg, NY	WSLP	228	93.5
Franklin, NC	Clayton, GA	WFSC(AM)	n/a	1050

**SETTLEMENT WINDOW FOR
MUTUALLY EXCLUSIVE
LPTV AND TV TRANSLATOR APPLICATIONS
JUNE 1 – JULY 31, 2020**



DEADLINES TO WATCH



Revised 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 restrictions are in effect now or soon will be in the following jurisdictions.

JURISDICTION	ELECTION EVENT	DATE	LUC PERIOD
Alabama	State Primary Runoff	Jul. 14	May 30 - Jul. 14
Alaska	State Primaries	Aug. 18	Jul. 4 - Aug. 18
Arizona	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Connecticut	State & Pres. Primaries	Aug. 11	Jun. 27 - Aug. 11
Delaware	State Primaries	Sep. 15	Aug. 1 - Sep. 15
Florida	State Primaries	Aug. 18	Jul. 4 - Aug. 18
Hawaii	State Primaries	Aug. 8	Jun. 24 - Aug. 8
Kansas	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Louisiana	Presidential Primaries	Jul. 11	May 27 - Jul. 11
Maine	State Primaries	Jul. 14	May 30 - Jul. 14
Massachusetts	State Primaries	Sep. 1	Jul. 18 - Sep. 1
Michigan	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Minnesota	State Primaries	Aug. 11	Jun. 27 - Aug. 11
Missouri	State Primaries	Aug. 4	Jun. 20 - Aug. 4
New Hampshire	State Primaries	Sep. 8	Jul. 25 - Sep. 8
Rhode Island	State Primaries	Sep. 8	Jul. 25 - Sep. 8
Tennessee	State Primaries	Aug. 6	Jun. 22 - Aug. 6
Texas	State Primary Runoff	Jul. 14	May 30 - Jul. 14
Vermont	State Primaries	Aug. 11	Jun. 27 - Aug. 11
Washington	State Primaries	Aug. 4	Jun. 20 - Aug. 4
Wyoming	State Primaries	Aug. 18	Jul. 4 - Aug. 18
United States	General Election	Nov. 3	Sep. 4 - Nov. 3

Sponsorship ID Waiver Extended

On April 3, the FCC's Media Bureau issued an *Order* (DA 20-376) announcing a temporary blanket waiver of the sponsorship identification rule in certain circumstances during the COVID-19 pandemic. The Bureau now has issued a new *Order* (DA 20-679) extending the waiver through August 31, 2020.

The Communications Act and the FCC's Rules require the identification to the audience of the sponsor when program content is sponsored. It came to the Bureau's attention that some advertisers that have purchased time in advance are no longer able, or no longer wish to broadcast the ads they had intended for those spots because of the changed circumstances affecting their business and/or the public as a result of the pandemic. Some advertisers in this position have

offered to donate the purchased airtime for the broadcast of PSAs produced by or for public health agencies such as the Centers for Disease Control and Prevention regarding COVID-19. Some sponsors may not wish to be identified with the PSA and/or may not want the audience to be distracted or confused by their sponsorship identification. Under these circumstances, the Media Bureau has determined that it would be in the public interest to waive the sponsorship identification requirement. Such public health messages can now be aired without identifying the party that paid for the time. This waiver policy will be in effect until August 31, 2020, at which time the Bureau says that it will reevaluate the situation.

Consolation Prizes Fail To Prevent Fines continued from page 1

the air, the winning prize for which was tickets to an Elton John concert. The winning contestant called the station to claim the prize. In a complaint that he filed with the FCC, he alleged that a station employee took his information but told him that the tickets were not yet available. He was told to call again after the beginning of the new year. He called the station again in January and February. Each time he was told that the tickets were still not available and that the station would contact him when they were. He telephoned the station on March 6, 2017, and was told that the station would contact him the next day. As of March 24, he had not been contacted, and he filed his complaint with the FCC.

The Enforcement Bureau sent KSII an inquiry on July 6, 2017. KSII responded that it had conducted a contest on November 22, 2016. The ninth caller won a pair of tickets to a March 23, 2017, Elton John concert. The complainant was that ninth caller. KSII had no record of actually having given him the tickets, and had no evidence to contradict his complaint. Station management stated that it was unaware of this problem until it received the FCC's inquiry. Although station staff members did not recall speaking with the complainant, the station acknowledged that there apparently had been a breakdown in staff communication and procedures.

To make amends, KSII offered the complainant tickets to an Elton John concert in Las Vegas, along with airfare and hotel accommodations. The station management also distributed a memo to all staff members with guidelines for contest execution and fulfillment. KSII said that the failure to award the tickets was due to "human error" and that there was no willful intent to defraud or deceive.

The Enforcement Bureau found that KSII had not conducted the contest in accord with its contest rules. Although the rules did not specify a time by which the station must deliver the prize, the date of the concert was an implied deadline for delivery of tickets for admission to that concert. By failing to deliver the tickets before the concert, KSII violated its contest rules.

The Communications Act authorizes the FCC to impose a forfeiture against any entity that "willfully" fails to comply with the Act or the Commission's regulations. Relying on extensive precedent, the Enforcement Bureau said that KSII's failure to comply with the FCC's contest rule was indeed "willful" regardless of whether the omission was inadvertent, unintentional or the result of human error or miscommunication. Further, the station's offer of a substitute prize to the complainant and instructing its staff about proper contest procedures to ensure future

compliance, while commendable, are not grounds for mitigating the proposed fine.

The base forfeiture for violation of Section 73.1216 is \$4,000. The FCC can adjust this amount as the circumstances of each case may warrant. In this case, the Enforcement Bureau adjusted the proposed fine upward to \$6,000 because KSII's licensee, Townsquare Media, had previously been found to violate the FCC's rules by operating an AM station outside of its authorized parameters.

KFNC sponsored a contest called the "Bud Light Ultimate Fantasy Draft Party" from August 2015 to January 2016. The advertised grand prize was to be hotel accommodations for two people for four nights at the Marival Resort and Suites, in Puerto Vallarta, Mexico. The contest winner complained to the FCC when, by September 2018, he still had not received the advertised prize, despite "many calls, emails, and messages," including with the station's promotions director.

In response to the Enforcement Bureau's inquiry, the station explained that after initially committing to provide accommodations for the prize, the Marival Resort withdrew from the arrangements and refused to participate. Station management said that the promotions director had failed to bring this problem to its attention, and that it was unaware of this situation until the Enforcement Bureau made its inquiry. The station then offered the complainant a substitute prize, which was an amount of cash said to be equal to twice the value of the vacation stay at the Marival Resort. The complainant accepted the substitute prize and agreed to withdraw his complaint at the FCC.

KFNC's posted contest rules required winning contestants to claim their prizes within 30 business days of winning. From this, the Enforcement Bureau inferred that a prompt response on the part of the station to winning claims was also an element of the station's contest rules. Consequently, the Bureau concluded that KFNC had violated its contest rule by delaying delivery of the prize for over two years.

As in the KSII case, the Enforcement Bureau said that the inadvertent nature of the violation and the station's effort to address the complainant's concerns did not provide a basis for mitigating the fine. In this case, the Bureau proposes to adjust the \$4,000 base fine upward to \$5,200 on the grounds that KFNC's noncompliance was aggravated by the fact that the complainant's complaints went two years without being addressed.

KSII and KFNC each has 30 days in which to seek the reduction or cancellation of the proposed forfeitures.

Petitioners Propose Origination for FM Translators continued from page 1

The petitioners support the zonecasting concept in general, but take no position on its technical viability, which calls for boosters to transmit on the same frequency as the primary station content that differs from that of the primary station. The petitioners' proposal expands the concept of program origination by secondary stations to include translators, which by definition, operate on a different frequency from the primary station. Under current regulations, a translator must rebroadcast the signal of another radio station and generally may not originate programming. Exceptions to this prohibition include: the broadcast of emergency warnings of imminent danger; soliciting or acknowledging financial support for the translator (limited to no more than 30 seconds per hour); and for translators associated with daytime-only AM stations, broadcasting while the parent AM station is silent for the night.

The petitioners request a uniform rule change for both FM translators and boosters to allow each such station to originate any kind of programming content provided that the primary station is retransmitted for no fewer than 40 hours in any calendar week. The petitioners suggest that translators (and boosters) could be used to air separate programming such as, among other things, different localized advertisements, coverage of multiple city council meetings from different cities within the primary station's coverage area, or localized high school sports.

Another proposal set out in the Petition would relax some of the limitations on fill-in translators associated with FM stations. Qualifying a translator as a fill-in station has certain benefits for the primary station. Only if the translator is a fill-in can the licensee of the primary station have an attributable

interest in a translator that rebroadcasts the primary station. Under the current rules, the 60 dBu protected contour of a fill-in translator for an FM primary station must not exceed the primary station's protected service contour, which is the 0.5 mV/m contour for Class B stations, the 0.7 mV/m contour for Class B1 stations, and the 1 mV/m contour for all other FM stations. Also, while the input signal for a commercial translator must generally be an off-the-air signal, the input for a fill-in translator can be delivered by alternate methods. The petitioners cite the recent adoption of the rule giving FM stations grounds to complain about interference from translators experienced within the 45 dBu contour. With that ruling as a model, they ask the FCC to expand the area within which a fill-in translator can project its protected contour to the primary station's 45 dBu contour for all classes of FM stations. The parallel rule for fill-in translators associated with AM primary stations allows them to extend out to the greater of the 2 mV/m daytime contour or a radius of 25 miles around the AM antenna site. The petitioners also propose a parallel provision for fill-in translators for FM stations: the fill-in could extend to the greater of the primary station's 45 dBu contour or a radius of 25 miles from the primary station's antenna site.

The petitioners also ask the FCC to assign call signs to translators in a format similar to other broadcast stations. The proposed call sign would appear in the standard four-letter format (beginning with "K" or "W" as appropriate) with a suffix added at the end, such as "-FX."

The FCC has invited public comment on this Petition for Rulemaking. Comments are due by July 23. Reply comments must be filed by August 7.

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