

## RMLC and GMR Reach Conditional Settlement

The Radio Music License Committee (“RMLC”) and performing rights organization Global Music Rights (“GMR”) have announced that they have agreed to a confidential and conditional settlement of their long-running litigation. RMLC represents commercial radio broadcasters in matters pertaining to broadcast music performance rights, most importantly copyright royalty fees. GMR is the newest example of entities that represent the copyright holders of musical works in matters pertaining to those same performance rights. According to its website, GMR has over 64,000 works in its repertoire and represents 121 songwriters. The litigation concerned various allegations of antitrust violations.

In a joint statement, RMLC and GMR have expressed a mutual desire to resolve their disputes and develop an environment in which stations and GMR can work together

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## Discrimination Suit Survives Motion to Dismiss

For the second time in less than a year, Circle City Broadcasting (“CCB”) has overcome defendants’ motions to dismiss its lawsuits alleging racial discrimination in negotiations for retransmission consent agreements. The opponent in the previous case was DISH Network. The defendants in the second case are DirecTV and its parent company, AT&T Services. In each case, the defendant filed a motion to dismiss the suit under Rule 12(b)(6) of the Federal Rules of Civil Procedure, asserting that the plaintiff had failed to state a claim for which the court could provide a remedy. In each case, the U.S. District Court in Indianapolis denied the motion.

CCB alleges that DirecTV engaged in unlawful race discrimination in contracting for retransmission consent for carriage of CCB’s television stations on DirecTV’s satellite television system. 42 U.S.C. § 1981 gives everyone in the

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## Forest Service Proposes to Charge New Fees for Communications Sites

The United States Forest Service has released a *Notice of Proposed Rulemaking* (86 FR 72540) in which it proposes a new annual fee of \$1,400 to be paid by users of wireless communications sites on land that it administers. The new charge would affect all wireless transmission facilities on Forest Service property, including broadcast stations. Congress has required the Forest Service to charge programmatic administrative fees for communications use authorizations in the Agriculture Improvement Act of 2018.

Operators of communications facilities at sites on Forest Service land currently pay fees based on the fair market value of the rights and privileges granted in each use authorization. The Forest Service does not keep any of those funds. They are deposited directly into the United States Treasury. Nonetheless, the Forest Service says that it spends \$5.4 million annually on the administration of the use authorizations and

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For more information about or help with any of the items reported in **Antenna™** please contact:

**pillsbury**

1200 Seventeenth St. NW  
Washington, D.C. 20036

Tel: 202.663.8167

Fax: 202.663.8007

E-mail: [scott.flick@pillsburylaw.com](mailto:scott.flick@pillsburylaw.com)

# Consolidated Database System Retired

The FCC's Media Bureau has released a *Public Notice* (DA 22-29) to announce the permanent sunset of the online filing system for broadcast stations that has been in place since the turn of the century, the Consolidated Database System, or CDBS. The FCC has been slowly migrating various types of broadcast applications and filings to the new Licensing and Management System, or LMS, and most filings can be submitted on that platform now.

However, there were still several filing categories that were required to be submitted through CDBS. Despite that some filings have not yet been integrated into LMS, the Media Bureau said that the closure of CDBS "is necessary due to pressing technical issues that prevent the effective use of CDBS going forward." The Bureau's abrupt announcement preceded the January 12 shutdown by just one day.

While the Media Bureau anticipates that several of the remaining CDBS filings will transition to LMS in the near future, all filings formerly submitted through CDBS must now be sent to the FCC by email at [audiofilings@fcc.gov](mailto:audiofilings@fcc.gov). In cases involving an FCC form, the form must be submitted as an attachment to the email in portable document format, i.e., PDF. The FCC will not accept attachments in other formats. Informal filings in the form of a letter can be submitted in either PDF or Word. Attachments in other formats will not be accepted. Media Bureau personnel will respond to email submissions with confirmation of receipt and the time and date of submission. The Bureau cautions that it may take 1 to 2 business days to receive a confirmation because the process will be manual.

The Media Bureau identified the following list of filings that must now be submitted by email:

- AM Application for a Construction Permit for Commercial Broadcast Station on Form 301.
- AM Application for a Construction Permit for Reserved Channel Noncommercial Educational Broadcast Station on Form 340.
- AM Application for Broadcast Station License on Form 302.
- Special Temporary Authority ("STA") Engineering Requests and Extension of Engineering STA Requests for all audio service stations.
- Silent STA / Notification of Suspension / Resumption of Operations / Extension of Silent STA Requests for all audio service stations.
- Change in official mailing address.
- AM Digital Notification on Form 335-AM.
- All-Digital AM Notification on Form 335-AM.
- FM Digital Notification on Form 335-FM.
- Amendments to pending applications previously submitted on CDBS.
- Pleadings (Petitions to Deny, Informal Objections, Oppositions, Replies, Supplements, Petitions for Reconsideration, and Applications for Review) concerning applications submitted through CDBS and applications submitted via this email process.

The filing fee for feeable filings must be remitted through the Commission Registration System. A copy of the proof of payment, such as a PDF of the automatically generated remittance notification, must be submitted along with the emailed form or request.

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## Reviews Sought on Implementation of TV Viewer Protection Act

The FCC's Media Bureau has solicited public comment to evaluate its implementation of the Television Viewer Protection Act of 2019 ("TVPA"). This legislation amended parts of the Communications Act of 1934 and required the FCC to adopt regulations that would implement the law. In its *Public Notice* (DA 21-1610), the Bureau observed that the resulting rules have been enforced for a year and a half and that public input about their effectiveness would now be timely.

Among other things, the TVPA amended Section 325 of the Communications Act to allow smaller multichannel video programming distributors ("MVPDs") to negotiate collectively as a buying group for retransmission consent with larger broadcast station groups. It also required large broadcast station groups to negotiate in good faith with qualified MVPD buying groups.

In May 2020, the FCC adopted rules to implement the TVPA that (1) define the term "large station group" to mean

an entity whose individual television broadcast members collectively have a national audience reach of more than 20 percent of U.S. households; and (2) define the term "qualified MVPD buying group" as an entity that negotiates on behalf of MVPDs that collectively serve no more than 25 percent of all households receiving service from any MVPD in a given market. The purpose underlying the statute and these regulations is to "level the playing field" so that smaller MVPDs can collectively negotiate effectively and efficiently as a buying group with large station groups for retransmission consent. The Bureau notes that to date, it has received no complaints concerning these rules.

The Media Bureau requests comment as to whether these rules have been successful in advancing the legislation's purpose and fostering a space for good faith negotiations between broadcasters and MVPDs of unequal size and market power. Comments are to be filed in Docket 21-501 by February 3. The due date for reply comments is March 7.

# FM Translator Cannot Operate Without Primary Station

KMTL(AM), and its associated FM translator, K250CF, both in Sherwood, Arkansas, are the subject of a *Memorandum Opinion and Order* (DA 21-1647) issued by the FCC's Media Bureau. Among other things, the order addresses violations of the FM translator rules by the stations' licensee, the Estate of George V. Domerese.

While the license renewal applications for these stations were pending, the FCC received informal objections alleging that K250CF had continued to broadcast during lengthy periods when KMTL was silent. The facilities for K250CF had resulted from an application filed in the AM Revitalization cross-service filing window. Such a translator station is permanently linked to the AM station with which it was identified in the original application. It must always and only rebroadcast that specific AM station. The special rules for cross-service translators provide that a translator with a primary daytime-only AM station may broadcast at night when the primary station is off the air. However, if the AM station is silent for any reason other than its normal nighttime silence, the translator must also be silent.

One of the informal objectors alleged that KMTL had been silent for a prolonged period without a Special Temporary Authority to be silent and that K250CF had continued to broadcast during this period. The objector surmised that the translator was either originating programming or rebroadcasting the signal of a station other than its required primary station.

The Media Bureau began an investigation and issued a Letter of Inquiry to KMTL. It was revealed that on at least four occasions during 2020, K250CF had indeed rebroadcast the signal of KTUV rather than KMTL. It appears however that this was inadvertent rather than deliberate. The Estate

explained that this happened because the person responsible for operating KMTL and K250CF was also operating KTUV. That operator mistakenly used the wrong computer holding KTUV content to program the translator.

The Bureau also confirmed that on at least five occasions during 2020, K250CF had been on the air while KMTL was down for repairs. The Estate explained that in this case, the person operating the stations did not know that the translator could not originate programming.

The Media Bureau concluded that the objectors' allegations about extended unauthorized periods of silence by KMTL were unfounded. However, in the course of investigating these allegations, it came to light that the Estate was failing to maintain the station logs as required by Section 73.1820 of the FCC's Rules.

The Bureau's routine review during the license renewal process revealed a number of mishaps with KMTL's online public inspection file. Missing items included the issues and programs lists for several quarters, a copy of a time brokerage agreement, and a certification of compliance with the local public notice requirement for the renewal application.

To bring this proceeding to a conclusion, the Estate and the Media Bureau entered into a Consent Decree. In return for the Bureau's termination of the investigation, the Estate admitted to violating the rules pertaining to translators, the station log, and the online Public File. It agreed to pay a civil penalty of \$5,000. The Estate will also be subject to a three-year compliance plan. Upon payment of the civil penalty, and in the absence of additional issues that would preclude it, the Media Bureau committed to grant the license renewal applications.

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## Bill Would Foster Small Market Class A TV Development

U.S. Senators Roy Blunt (R-MO) and Ron Wyden (D-OR) have introduced legislation to protect existing low power television stations in small markets. The Low Power Protection Act would require the FCC to open a one-time 12-month filing window for existing LPTV stations to apply to upgrade their licenses to Class A status.

The new Class A license would carry the same benefits and responsibilities that current Class A television licensees have. They are regulated in most ways like a full power station, and enjoy protection from all other stations and

applications. Currently, Class A stations do not have must-carry rights or privileges. The legislation is silent on this point, so the status quo would continue.

The significant new aspect of this bill is that it would limit eligibility for LPTV to Class A conversion to stations in markets with not more than 95,000 television households. The legislation is intended to benefit small market stations.

The bill, identified as S. 3405, was referred to the Senate Commerce Committee.



# DEADLINES TO WATCH



## License Renewal, FCC Reports & Public Inspection Files

January 10	Deadline to place quarterly Issues/Programs List in Public Inspection File for all full service radio and television stations and Class A TV stations.	February	Radio stations in <b>New Jersey</b> and <b>New York</b> , and television stations in <b>Kansas</b> , <b>Nebraska</b> , and <b>Oklahoma</b> begin broadcasting post-filing announcements within five business days of acceptance of application for filing and continuing for four weeks.
January 10	Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.	April 1	Deadline to file license renewal applications for radio stations in <b>Delaware</b> and <b>Pennsylvania</b> , and television stations in <b>Texas</b> .
January 10	Deadline for Class A TV stations to place certification of continuing eligibility for Class A status in Public Inspection File.	April 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 <b>Delaware</b> , <b>Indiana</b> , <b>Kentucky</b> , <b>Pennsylvania</b> , <b>Tennessee</b> , and <b>Texas</b> .
January 31	Deadline for Children's Television Programming Reports for all full power and Class A television stations for 2021.	April 1	Deadline for all broadcast licensees and permittees of stations in <b>Delaware</b> , <b>Indiana</b> , <b>Kentucky</b> , <b>Pennsylvania</b> , <b>Tennessee</b> , and <b>Texas</b> 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).
February 1	Deadline to file license renewal applications for radio stations in <b>New Jersey</b> and <b>New York</b> , and television stations in <b>Kansas</b> , <b>Nebraska</b> , and <b>Oklahoma</b> .	April	Radio stations in <b>Delaware</b> and <b>Pennsylvania</b> , and television stations in <b>Texas</b> begin broadcasting post-filing announcements within five business days of acceptance of application for filing and continuing for four weeks.
February 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 <b>Arkansas</b> , <b>Kansas</b> , <b>Louisiana</b> , <b>Mississippi</b> , <b>Nebraska</b> , <b>New Jersey</b> , <b>New York</b> , and <b>Oklahoma</b> .		
February 1	Deadline for all broadcast licensees and permittees of stations in <b>Arkansas</b> , <b>Kansas</b> , <b>Louisiana</b> , <b>Mississippi</b> , <b>Nebraska</b> , <b>New Jersey</b> , <b>New York</b> , and <b>Oklahoma</b> 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).		

SETTLEMENT WINDOW FOR  
GROUPS OF MUTUALLY-EXCLUSIVE  
NONCOMMERCIAL FM APPLICATIONS CLOSES  
JANUARY 28, 2022

DEADLINE FOR COMMERCIAL RADIO STATIONS  
TO ACCEPT NEW LONG-TERM  
GMR MUSIC LICENSE  
JANUARY 31, 2022



# 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 21-501; Public Notice (DA 21-1610) Implementation of Television Viewer Protection Act of 2019	February 3	March 7
Docket 21-422; NPRM (FCC 21-117) Computer modeling for FM directional antennas		February 4
RM-11915; Petition for Rulemaking Land Mobile-TV interference in the T-Band	February 10	February 25
Docket 16-142; 2nd FNPRM (FCC 21-116) Multicasting in Next Gen TV	February 11	March 14
Docket 21-502; NPRM (DA 21-1635) Deletion of seven FM allotments	February 14	March 1
Docket 12-108; Public Notice (DA 22-20) Closed captioning accessibility on various devices	February 17	March 4
U.S Forest Service Docket RIN 0596-AD44; NPRM (86 FR 72540) Annual administrative fee for communications use authorizations	February 22	N/A
Docket 15-94; NPRM (FCC 21-125) EAS video alerts	FR+30	FR+45
Docket 15-94; NOI (FCC 21-125) Enhancing legacy EAS	FR+60	FR+90

*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 by 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
Requests for Special Temporary Authorizations	Feb. 14
Equipment performance measurements	Feb. 14
Broadcasting emergency information, Section 73.1250	Feb. 28
Help request form	Mar. 11
Amending FM and TV Table of Allotments, Section 1.420	Mar. 15
EEO policy, Section 73.2080	Mar. 15

## Lowest Unit Charge Schedule for 2022 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.

STATE	ELECTION EVENT	DATE	LUC PERIOD
Texas	State Primary	March 1	Jan. 15 - Mar. 1
Indiana	State Primary	May 3	Mar. 19 - May 3
Ohio	State Primary	May 3	Mar. 19 - May 3
Nebraska	State Primary	May 10	Mar. 26 - May 10
West Virginia	State Primary	May 10	Mar. 26 - May 10



# DEADLINES TO WATCH



## 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 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 **March 21, 2022**. Informal objections may be filed anytime prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Sells, AZ	Kearny, AZ	New	286	105.1
Portal, GA	Brooklet, GA	WXRS-FM	263	100.5
Easton, PA	Harmony Township, NJ	WPNJ	214	90.7
Scottsdale, PA	Uniontown, PA	WKHB-FM	280	103.9
San Diego, TX	Driscoll, TX	KUKA	290	105.9

## Proposed Amendments to the Television Table of Allotments

The FCC is considering petitions to amend the digital television Table of Allotments by changing the channels allotted to the communities identified below. The deadlines for submitting comments and reply comments are shown.

COMMUNITY	STATION	PRESENT CHANNEL	PROPOSED CHANNEL	COMMENTS	REPLY COMMENTS
Vernon, AL	New	N/A	*4	FR+30	FR+45
Albany, NY	WNYT-TV	12	21	FR+30	FR+45

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

*\*Indicates the channel is proposed to be reserved for noncommercial use.*

**TELEVISION STATIONS IN REPACK  
PHASES 6-10 AND  
STATIONS WITH WAIVERS FOR LATER COMPLETION  
DEADLINE TO SUBMIT INVOICES FOR REIMBURSEMENT  
MARCH 22, 2022**

## Forest Service Proposes to Charge New Fees for Communications Sites

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the management and maintenance of communications sites. Revenue from these new programmatic administrative fees is intended to cover those operational costs.

The Forest Service proposes annual adjustments to correspond to changes in the consumer price index. The overall fee structure would be subject to review every five years to ensure that the revenues are commensurate with the Forest Service's costs related to the communications use authorizations.

To codify this new fee, the Forest Service proposes to add a new subparagraph (iii) to Section 251.54(g)(5) of its rules in volume 36 of the Code of Federal Regulations. Comments about this proposal can be filed with the Department of Agriculture with docket identifier RIN 0596-AD44. The filing deadline is February 22. There is no provision for reply comments.

# Service Contour Has Must-Carry Implications

The FCC’s Media Bureau has denied a must-carry complaint against DirecTV filed by the licensee of WGBP-TV, Opelika, Alabama. WGBP claimed must-carry status in the Atlanta Designated Market Area (“DMA”). Ordinarily, a station must elect mandatory carriage or retransmission consent and provide notice to the cable or satellite carrier by October 1 just prior to the beginning of a three-year carriage cycle on January 1. A new station is permitted to make this election and provide notice whenever it begins to provide service to the market.

Rather than demanding carriage by the regular October 1, 2020, deadline for the 2021-2023 carriage period, WGBP sent DirecTV its must-carry election notice on December 21, 2020, claiming to be eligible to demand mandatory carriage mid-term as a new station in the Atlanta DMA. DirecTV rejected this claim. The station filed a complaint with the FCC, and the Media Bureau’s *Memorandum Opinion and Order* (DA 22-11) resolved the issue in favor of DirecTV.

WGBP is carried by DirecTV in the Columbus, Georgia, DMA. As of October 1, 2020, Nielsen reassigned the station from the Columbus to the Atlanta DMA. On December 9, 2020, WGBP converted its facility to a distributed transmission system (“DTS”), which included locating a DTS transmitter near Warm Springs, Georgia, in the geographic area of the Atlanta DMA. On the basis of this new transmitter operating in the Atlanta DMA, WGBP sent its must-carry election notice to DirecTV, claiming to be new to the DMA.

In the course of the FCC’s investigation following the filing of the complaint and DirecTV’s opposition, it came to light that WGBP’s pre-repack transmissions on channel 30 had provided service to the Atlanta DMA since 2014. The Media Bureau found that the station’s noise limited contour had covered a portion of the Atlanta market, particularly some if not all of Troupe County. The Bureau explained that the physical location of a station’s transmitter is independent of the issue of where service is provided. The establishment of the DTS facility in the Atlanta market was not the deciding factor. Although not listed by Nielsen in the Atlanta DMA until 2020, WGBP had apparently been eligible for mandatory carriage on DirecTV’s Atlanta market package since 2014. Consequently, the station was not eligible to submit a mid-term election notice as a new station.

WGBP argued that the coverage provided by its pre-repack channel 30 service was de minimis in terms of the whole Atlanta DMA and should be disregarded. The Media Bureau responded that the rule does not provide for an exception in the case of de minimis service. To the extent that WGBP was suggesting that the rule should be waived in this case, the Bureau said that a request for a waiver is not appropriate in a carriage complaint proceeding.

The Media Bureau closed its ruling with the observation that, based on the circumstances revealed in this proceeding, WGBP could claim mandatory carriage in both the Columbus and Atlanta DMAs for the next carriage cycle.

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# Media Bureau Proposes FM Table Deletions

Due to an apparent lack of interest on the part of the public, the FCC’s Media Bureau has proposed to delete seven allotments from the FM Table of Allotments. In its *Notice of Proposed Rulemaking* (DA 21-1635) in Docket 21-502, the Bureau explained that each of these allotments has been offered in the last two FM auctions without attracting a single bid. The Bureau stated that deleting these allotments may promote a more effective and efficient use of the FM broadcast spectrum because removing them will create opportunities in nearby communities for new allotments or upgrades of existing stations.

Parties interested in pursuing any of these allotments should file comments expressing their interest, and

explaining why they did not participate in the FM auctions in which these allotments were offered for sale. Comments expressing an interest in an allotment must also include a statement of an intent to apply for the channel, and to build the station if the application is granted. Counterproposals proposing to add an allotment to the Table that would be mutually exclusive with one of the listed allotments will also be accepted in comments (but not in reply comments).

The allotments proposed to be deleted are identified in the table below. The deadline to file comments in this proceeding is February 14. Reply comments must be submitted by March 1.

COMMUNITY	CHANNEL	MHZ
Snowflake, Arizona	259C2	99.7
Millerton, Oklahoma	265C2	100.9
Powers, Oregon	293C2	106.5
Mount Enterprise, Texas	279A	103.7
Paint Rock, Texas	296C3	107.1
Hardwick, Vermont	290A	105.9
Meetetse, Wyoming	259C	99.7

## RMLC and GMR Reach Conditional Settlement continued from page 1

without resorting to further litigation. They say that the resulting settlement agreement reflects GMR's commitment to treat all similarly situated radio stations consistently and to ensure that radio stations have access to the performance rights they need. The development of a settlement now also reflects changes in the licensing landscape and the significant growth in GMR's roster since the litigation began five years ago.

In the settlement, GMR agrees to offer commercial radio stations a long-term license agreement which has been negotiated by RMLC and GMR. The term of this license is set to begin on April 1, 2022. This settlement is confidential and is

contingent upon a sufficient percentage of radio broadcasters accepting it. GMR is sending a copy of the license agreement directly to every commercial radio station owner. To accept the license, the station must sign the form and return it by January 31, 2022.

If the number of radio stations accepting this license agreement is insufficient, the settlement will not be finalized and the litigation will resume. Stations currently have interim licenses from GMR that expire March 31. GMR has not indicated whether it would offer any further interim licenses in the event that the conditional settlement fails to attract enough stations.

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## Discrimination Suit Survives Motion To Dismiss continued from page 1

United States the right to make and enforce contracts without respect to race. CCB is an African-American-owned company that purchased television stations WISH-TV in Indianapolis and WNDY-TV in Marian, Indiana (in the Indianapolis market) from Nexstar Broadcasting, Inc. According to the suit, after the ownership transition, DirecTV declined to enter into a retransmission consent agreement for the stations comparable to the agreement it had had with Nexstar, a publicly-traded company.

To state a claim under Section 1981, the plaintiff must allege (1) he is a member of a racial minority, (2) the defendant had the intent to discriminate on the basis of race, and (3) the discrimination concerned the making or enforcing of a contract.

CCB asserted that upon purchasing the stations, it had improved the content and quality of the stations' programming. It argued that if the content and quality of the stations' programming remained the same or improved, and the only changed circumstance was the race of the stations' owner, it was plausible to conclude that the race of the owner was the reason DirecTV refused to negotiate a fair price with CCB.

DirecTV responded that it had benign and business-related reasons for offering less than CCB wanted for its retransmission consent. CCB's stations were not affiliated with any of the four major commercial networks. CCB countered that Nexstar's position in the Indianapolis market had been precisely the same. It had owned only the two stand-alone, independent stations. Nonetheless, it claimed that Nexstar received a much better retransmission deal.

DirecTV also argued that many of CCB's claims were conclusory and must therefore be disregarded, asking the court to "draw on its judicial experience and common sense" to do so. CCB responded that its claims were factual assertions that would withstand scrutiny. The court observed that in evaluating claims for the purpose of ruling on a motion to dismiss at this stage of the proceeding, the plaintiff's claims must be accepted as true. The issue is whether the plaintiff has stated a claim that is plausible. If so, the plaintiff is entitled to attempt to prove its claims at trial. The court found CCB's allegations to be sufficiently plausible and denied the motion to dismiss.

The decision is *Circle City Broadcasting, I, LLC and Dujuan McCoy v. AT&T Services, Inc. and DirecTV, LLC*, 2021 U.S. Dist. LEXIS 247306.

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