pillsbury Antenna™ NOVEMBER 2014
AN UPDATE ON COMMUNICATIONS LAW & ISSUES

Incentive Auction Postponed to 2016

In a post to the Official FCC Blog, Gary Epstein, chairman of the Commission's Incentive Auction Task Force, has stated that the agency now anticipates that the Incentive Television Spectrum Auction is likely to begin in early 2016. This represents a postponement from previous plans to conduct the auction in mid-2015.

The chief reason for the delay appears to be a challenge to the auction procedures that the FCC adopted in May. Broadcasters have appealed elements of the *Report and Order* in the auction rulemaking proceeding to the U.S. Court of Appeals for the D.C. Circuit. Epstein says that, while the Commission expects to win the case in court, the appeal does introduce uncertainty into the process that would probably inhibit broadcasters from participating fully. The court has set a briefing schedule that will not conclude until late January, 2015. Oral argument will follow later and a decision is unlikely before mid-2015. It seems prudent therefore not to expect to be able to conduct the auction before 2016. Applications for the auction would be solicited in late 2015.

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BAS Review Reveals Big Problems

Midessa Television Limited Partnership is the licensee of television stations in the Odessa-Midland, Texas market. The company also operates a number of stations in the broadcast auxiliary service ("BAS") in support of its broadcast operations. Unfortunately for Midessa, those BAS operations were largely out of compliance with the FCC's rules and the agency has issued a *Notice of Apparent Liability for Forfeiture*, proposing a forfeiture against it in the amount of $86,400. This action was taken by the full Commission, rather than at the bureau level.

In April, 2013, Midessa filed applications with the Commission's Wireless Telecommunications Bureau for three new "as built" BAS stations and six modified stations, also "as built." The modifications consisted of changes in the locations of the transmit/receive sites, changes of frequencies, and changing from analog to digital mode. In these applications, Midessa disclosed that it had operated three stations without any authorizations and the six other stations at variance from their authorizations. Upon review of these applications, the Wireless Bureau referred the matter to the Enforcement

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FCC Extends Digital LPTV Permits, Addresses LPTV Issues in Auction

The FCC has suspended the expiration dates and construction deadlines for all outstanding unexpired construction permits for new digital low power television and TV translator stations. The deadlines are suspended pending a final action in Docket 03-185 to resolve the matters raised in the *Third Notice of Proposed Rulemaking* in that docket (see below for details).

The Commission had in place a policy of allowing digital LPTV permittees to request six-month extensions of their construction permits. Permittees frequently cited the incentive auction and the uncertainty it produces for the future of LPTV in general and specific permits in particular as grounds to justify extensions. The Commission now acknowledges that the auction will not commence until sometime in 2016. In view that, to save permittees and the Commission

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FCC Extends Digital LPTV Permits *continued from page 1*

from the needless exercise of repeated further extensions, the Commission decided simply to suspend all construction permits for new digital LPTV stations

In the *Third Notice of Proposed Rulemaking*, the FCC has offered a range of proposals to facilitate the ultimate conversion of the LPTV and TV translator services to digital, and to mitigate the potential impact of the incentive auction and subsequent repacking process on them. The date for the final transition of all older LPTV stations from analog to digital operations had been set for September 1, 2015. That deadline was established when it was thought that the incentive auction would be completed by then.

However, it is now clear that the auction will not begin until much later than that. LPTV stations will undoubtedly be buffeted in the post-auction repacking of the television band. If they are required to construct new facilities just before the auction, they face the prospect of having to "double-build" – i.e., to modify those facilities soon after original construction when the inevitable alterations occur. Consequently, the Commission has tentatively concluded that the September 1, 2015 deadline for the digital transition should be postponed. The agency asks for public comment on whether it should set a new deadline immediately, or wait until after the incentive auction. The Commission suggests that a practical new deadline would be one year after the close of the incentive auction. Upon the conclusion of the auction, the Commission will release a Public Notice announcing new channel assignments for full power and Class A stations. Those stations will then have three months in which to file minor change applications. That will be followed by two filing windows in which stations will be allowed to seek alternate channels and/or maximize their facilities. Thus it will probably take at least a year to know which channels may be available to LPTVs.

The agency now proposes to permit LPTV stations [to share channels]

The Commission has previously adopted rules to allow post-auction channel sharing by full power and Class A stations in situations where spectrum may be scarce. The agency now proposes to permit LPTV stations to do the same, but with slight variations. Channel pairing between full power and Class A stations would come about through offers made and accepted in the reverse auction. The combined operation must be implemented within three months after the relinquishing station receives its reverse auction proceeds. By contrast, LPTV stations would have to find their partners without Commission guidance, but usually out of necessity because one or both stations are displaced by repacking. Channel sharing would be voluntary and flexible. The licensee relinquishing its channel would file a construction permit application to propose operating with the sharing station, with which the channel sharing agreement would be an exhibit. If both stations need to modify their facilities, they both would file identical technical proposals. Upon completion of the modifications, the relinquishing station would notify the Commission that it has vacated it original channel, and both stations would file license applications for the shared facility.

The Commission proposes to issue the standard three-year construction permit for stations performing this process. However, it adds the cautionary note that displaced silent stations will need to resume operations within one year to avoid losing their licenses. The agency invites comment on whether the restrictions on station relocation should be relaxed to accommodate channel sharing. Presently, an LPTV station may not move its transmitter site more than 30 miles, and the new proposed contour must overlap the existing contour. Should this limitation be changed in the context of the repacking process, or would it be preferable to be liberal in allowing waivers to facilitate station pairing?

The two LPTV stations would cooperate to share a one six-megahertz channel. Each licensee would have its own license, call sign and separate obligations to comply with the Commission's rules. Parties would be allowed to divide the capacity anyway they wish as long as each station has enough bandwidth to transmit at least one standard definition program stream. Each license would be separately and independently assignable. In situations where one license is relinquished, revoked or denied renewal, the FCC proposes that the remaining licensee could occupy the entire channel as an unshared channel, or it could invite another licensee to share the channel, subject to Commission approval.

Parties sharing a channel would be required to enter into a channel sharing agreement that must outline each licensee's rights and responsibilities in the following areas: (1) access to facilities, (2) allocation of bandwidth, (3) operation, maintenance, repair and modification of facilities, including a list of all equipment and each party's financial obligations, and (4) termination and assignment rights. The Commission proposes to reserve the right to review channel sharing agreements and to require changes if necessary to bring them into compliance with the agency's rules.

The Commission wants to explore the possibility of a full power or Class A station sharing a channel with an LPTV station. It proposes that a full power or Class A station sharing a channel with an LPTV station would be subject to the power level and interference protection rules associated with the LPTV service.

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Filing Procedures Explained for Closed Captioning Exemption Petitions

The FCC's Consumer and Governmental Affairs Bureau has released a Public Notice with instructions for filing requests for exemptions from the closed captioning requirements for video programming delivered using Internet Protocol ("IP"). In January, 2012, the Commission adopted rules to require that generally most IP delivered video programming be captioned and that requests for exemptions from those requirements be filed electronically.

Video programming providers and distributors may petition the Commission for exemption from the captioning requirement. Such a petition must provide sufficient evidence to demonstrate that compliance with the closed captioning requirement would be economically burdensome to the petitioner, i.e., it would be a "significant difficulty or expense." The information in the petition must be supported by an affidavit from someone with personal knowledge of the facts. The petition must discuss the following factors:

(1) The nature and cost of the closed captions for the programming.

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FCC Addresses LPTV Issues

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The FCC proposes to establish a new "digital-to-digital" replacement translator service that would allow eligible full power stations to recover digital service areas lost to the reverse auction and/or repacking. Eligibility would be limited to full power stations whose channels are changed following the incentive auction that can demonstrate that (1) a portion of their pre-auction service area will not be served by the new facilities and (2) the proposed digital-to-digital replacement translator will be used solely to fill that lost area. An applicant would be required to provide an engineering exhibit to show its pre- and post-auction services areas within the noise-limited contour. There would be a one-time filing window for applications for these stations. It would begin with the opening of the post-auction LPTV and TV translator displacement filing window and would conclude one year after the end of the 39-month post-auction transition period during which full power stations will be constructing their modified facilities and discovering the practical realities of those facilities. Full power licensees would have a year after completing their build-outs to identify loss areas and apply for translators to cover those losses. Applications for these stations would have priority over LPTV and TV translator displacement applications. These translator stations would be permanently associated with the parent station and could not be separately sold or assigned.

In recent years, a number of analog LPTV stations on channel 6 have developed radio-like audio services that can be received by ordinary FM tuners because channel 6 occupies spectrum immediately adjacent to the lower end of the FM band. When the LPTV transition to digital is complete, these services would presumably become extinct because they only work on an analog system. Channel 6 operators have proposed to allow digital stations to continue to offer an aural analog signal that could be received on FM tuners. The Commission requests public comment on this concept of dual analog and digital transmissions.

The Commission asks whether such a service could be classified as an ancillary or supplementary service as permitted under Section 73.624(c) of the Commission's rules. Would it be consistent with the Communications Act? The Act provides that ancillary and supplementary services may be permitted "if the use of a designated frequency for such services is consistent with the technology or method designed by the Commission for the provision of advanced television services." The Commission collects a fee on ancillary and supplementary services of 5% of the revenues that they generate. Would an analog audio service be feeable? If the Commission permits this type of service, would it be a "broadcast service," legally subject to the obligations of broadcast licensees in Part 73 of the agency's rules?

Public comment on these issues must be filed in Docket 03-185 within 30 days after publication of notice of this proceeding the Federal Register. Reply comments can be submitted 15 days later.

Incentive Auction Postponed to 2016

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Epstein predicted that the Commission will adopt a Public Notice before the end of 2014 to propose and seek comment on the detailed directions for how the auction will be conducted, including the methodology to be used to establish opening bids for the reverse and forward auctions; how to define "impaired" markets subject to interference; and the components of the final stage rule.

The Task Force chairman committed to continue the Commission's dialog with broadcasters in town hall meetings and in confidential discussions with individual station owners around the country.

DEADLINES TO WATCH

License Renewal, FCC Reports & Public Inspection Files

Nov. 1 & 16, 2014 — Television stations in **Alaska, American Samoa, Guam, Hawaii, Mariana Islands, Oregon,** and **Washington** broadcast post-filing announcements regarding license renewal applications.

Nov. 1 & 16, 2014 — Television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island** and **Vermont** broadcast pre-filing announcements regarding license renewal applications.

Dec. 1, 2014 — Deadline to file Ancillary/Supplemental Services Report for all digital television stations.

Dec. 1, 2014 — Deadline to file license renewal applications for television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island** and **Vermont**.

Dec. 1, 2014 — Deadline to file Biennial Ownership Report for all noncommercial radio stations in **Colorado, Minnesota, Montana, North Dakota** and **South Dakota** and noncommercial television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island** and **Vermont.**

Dec. 1, 2014 — 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.**

Dec. 1, 2014 — 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). Stations for which this is the license renewal application due date will submit this information as a part of the renewal application.

Dec.. 1 & 16, 2014 — Television stations in **Alaska, American Samoa, Connecticut, Guam, Hawaii, Maine, Mariana Islands, Massachusetts, New Hampshire, Rhode Island, Oregon, Vermont** and **Washington** broadcast post-filing announcements regarding license renewal applications.

Dec. 1 & 16, 2014 — Television stations in **New Jersey** and **New York** broadcast pre-filing announcements regarding license renewal applications.

Jan. 1 & 16, 2015 — Television stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island,** and **Vermont** broadcast post-filing announcements regarding license renewal applications.

Jan. 1 & 16, 2015 — Television stations in **New Jersey** and **New York** broadcast pre-filing announcements regarding license renewal applications.

Jan. 10, 2015 — Place Issues/Programs List for previous quarter in public inspection file for all full service radio and television stations and Class A TV stations.

Jan. 10, 2015 — Deadline to file quarterly Children's Television Programming Reports for all commercial television stations.

Feb. 2, 2015 — Deadline to file license renewal applications for television stations in **New Jersey** and **New York**.

DEADLINE TO FILE
TV JOINT SALES AGREEMENTS WITH FCC
NOVEMBER 28, 2014

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

The FCC has accepted for filing the AM and FM applications identified below proposing to change each station's community of license. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **December 5, 2014.** Informal objections may be filed anytime prior to grant of the application.

Present Community	Proposed Community	Station	Channel	Frequency
Redding, CA	Weaverville, CA	KNCQ	247	97.3
Weaverville, CA	Redding, CA	KHRD	276	103.1
Westport, CT	Seymour, CT	WSHU(AM)	N/A	1260
Harrison, MI	Big Rapids, MI	New	280	103.9
Zealand, MI	Peotone, IL	WMFN(AM)	N/A	640
Staples, MN	Frazee, MN	KSKK	234	94.7
Milan, NM	Sandia, NM	KQNM(AM)	N/A	1080
Flora, MS	Pocahontas, MS	WYAB	280	103.9
Ilwaco, WA	Central Park, WA	New	254	98.5

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 14-161; Public Notice Implementing access to authorizations in the ULS and ASR systems	Nov. 10	N/A
Docket 14-157; Public Notice Termination of dormant proceedings		Nov. 17
Docket 12-268; Public Notice Request for comment on draft TV Broadcasters Relocation Fund Reimbursement Form	Nov. 26	N/A
Docket 12-201; FNPRM Regulatory fees for DBS	Nov. 26	Dec. 26
Docket 12-267; FNPRM Licensing and operating rules for satellite services	Dec. 15	Jan. 14
Docket 12-268; NPRM Spectrum access for wireless microphone operations	N+45	N+65
Docket 14-165; NPRM Unlicensed operations in white spaces in TV band	N+45	N+65
Docket 03-185; 3rd NPRM Low Power TV and the Incentive Auction	N+30	N+45
Docket 14-170; NPRM Updating competitive bidding rules	N+45	N+65

FR+N means that the filing is due 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 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
Cable carriage procedures and disputes, various Part 76 rules	Nov. 17
Application for radio service authorization, Form 601	Nov. 17
Chief Operators, Section 73.1870	Nov. 24
Permit-but-Disclose Proceedings, Section 1.1206	Dec. 1
AM broadcast measurement data	Dec. 8
Registration of stationary TV pickup receive sites, Section 74.605	Dec. 15
Regulatory fee exemption for nonprofit entities	Dec. 22
TV White Space Broadcast Bands, Sections 15.713, 15.714, 15.715, 15.717	Dec. 22
EAS, Part 11	Dec. 22
Commercial broadcast construction permit application, Form 301	Jan.5

Cut-Off Dates for FM Booster Applications

The FCC has accepted for filing the applications for new FM booster stations as described below. The deadline for filing a petition to deny each of these applications is indicated. Informal objections may be filed any time prior to grant of the application.

Community	Parent Station	Channel	MHz	Filing Deadline
Santa Clarita, CA	KSWD	262	100.3	Nov. 24
Lahaina, HI	KKHI	264	100.7	Nov. 24
Provo, UT	KUDD	264	100.7	Nov. 28

Rulemakings to Amend FM Table of Allotments

The FCC is considering amendments to the FM Table of Allotments to add and/or delete (indicated with a "D") the following channels. The deadlines for filing comments and reply comments are shown.

Community	Channel	MHz	Comments	Reply Comments
Silverton, TX	221A	92.1	Nov. 10	Nov. 25
Silverton, TX	252A(D)	98.3	Nov. 10	Nov. 25

Rulemakings to Amend Digital TV Table of Allotments

The FCC is considering amendments proposed to the Digital TV Table of Allotments to add and/or delete the following channels. The deadlines for filing comments and reply comments are shown.

Community	Station	Present Channel	Proposed Channel	Comments	Reply Comments
Dayton, OH	WKEF	51	18	Oct. 27	Nov. 10
Denver, CO	KCEC(TV)	51	26	Nov. 26	Dec. 11

Television JSAs Must Be Filed by November 28

In April of this year, the FCC released a *Report and Order* in its proceeding known as the *2014 Quadrennial Regulatory Review*, in which it adopted a rule to count participation in certain television Joint Sales Agreements ("JSAs") as attributable for purposes of the Commission's multiple ownership rules. This means that the brokered station would be attributable for ownership purposes to the licensee of the brokering station. This applies to same-market JSAs where one station handles at least 15% of the weekly advertising time for another station. The Commission also ruled, subject to the approval of the Office of Management and Budget ("OMB"), that an attributable JSA must be submitted to the Commission's ownership files in accord with Section 73.3613 of the agency's rules. The document should also be placed in the station's public inspection file.

This filing requirement was to become effective upon publication of OMB's approval of it. That approval was published in the Federal Register on October 28. Parties with JSAs entered into on or before October 28 must file them with the FCC within 30 days of that date. The filing deadline will be November 28 (the 30th day after October 28, November 27, is a holiday). Copies of JSAs that come into existence after October 28, 2014, must be filed within 30 days of their signing.

In cases involving JSAs in existence before the *Report and Order* was released that now pose a violation of the FCC's multiple ownership rules, the parties have two years from the effective date of the rule to take whatever steps may be necessary to bring themselves into compliance. The *Report and Order* was published in the Federal Register on May 20, 2014. Therefore the rule became effective on June 19, 2014. Stations in non-compliant JSAs will have until June 19, 2016 to comply with the new rule.

Cut-Off Dates for Low Power Television Applications

The FCC has accepted for filing the following digital low power television applications. The deadline for filing petitions to deny any of these applications is **November 3, 2014**. Informal objections may be filed anytime prior to grant.

Community	Station	Channel	Applicant
Anchorage, AK	KZVT-LD	2	One Ministries, Inc.
Prescott, AZ	K50LV-D	32	Luke Skelton
Dunsmur, CA	New	18	KTVL Licensee, LLC
Indio, CA	New	11	Entravision Holdings, LLC
Monterey, CA	K02QQ-D	5	One Ministries, Inc.
Denver, CO	KDEO-LD	46	Catholic Television Apostolate
Destin, FL	K51EO-D	22	EICB-TV East, LLC
Panama City, FL	WECP-LD	29	Gray Television Licensee, LLC
Gainesville, GA	W32DT-D	9	DTV Innovators, LLC
Wailuku, HI	New	28	KHNL/KGMB License Subsidiary
Bangor, ME	New	11	Western Family Television, Inc.
Bangor, ME	New	18	Maine Family Broadcasting, LLC
Billings, MT	New	13	Western Family Television, Inc.
Bozeman, MT	New	11	Western Family Television, Inc.
Great Falls, MT	New	19	Gray Television Licensee, LLC
Helena, MT	New	27	Western Family Television, Inc.
Carlsbad, NM	New	28	EICB-TV East, LLC
La Luz, NM	K63GU	14	Vision Broadcasting Network, Inc.
Roslyn, NY	W17CD	9	K Media, Inc.
Applegate Valley, OR	New	15	KTVL Licensee, LLC
Butte Falls, OR	New	14	KTVL Licensee, LLC
Corvallis, OR	K45CV	47	Sinclair Portland Licensee, LLC
Rogue River, OR	New	28	KTVL Licensee, LLC
Amarillo, TX	K16HB-D	26	Michael Mintz
Dallas, TX	KHFD-LD	13	EICB-TV East, LLC
De Soto, TX	KHPK-LD	10	MAKO Communications, Inc.
Lingleville, TX	K43MX-D	31	Granbury Communications, Inc.
Garrison, UT	K51JT-D	43	Millard County
Rawlins, WY	K51IZ-D	15	Central Wyoming College

Filing Procedures Explained for Closed Captioning Exemption Petitions

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(2) The impact on the operation of the video programming provider or owner.

(3) The financial resources of the video programming provider or owner.

(4) The type of operations of the video programming provider or owner.

The Bureau says that the Commission reviews each petition on a case-by-case basis and makes determinations for each petitioner upon the facts and comments submitted. While the petition is pending, the programming that is the subject of the request is exempt from the captioning requirements.

A petition is filed by emailing it to captioningexemption@fcc.gov. Complete petitions with full documentation will be assigned a case identifier number and placed on public notice. Interested parties will then have the opportunity to submit comments in support of or oppositions to the petition within 30 days. The petitioner may respond within an additional 20 days. Petitions, including all supporting documentation and responsive pleadings, will be available for public review through the Commission's Electronic Comment Filing System. Petitioners are encouraged to refrain from including personally sensitive information in the documents submitted.

These electronic filing procedures will become effective 30 days from the date of publication of the Public Notice in the Federal Register.

BAS Review Reveals Big Problems *continued from page 1*

Bureau to investigate apparent rule violations. The Enforcement Bureau sent Midessa a Letter of Inquiry, demanding a sworn written response.

Midessa responded in January, 2014, admitting that it had operated three BAS facilities without any authorizations and had operated six other stations with parameters out of compliance with their respective authorizations. The company said that it learned of these rule violations in May, 2012 while conducting an audit of its BAS facilities. Midessa revealed that even after interviewing former employees, it could not identify the precise dates when the violations had begun, but they had probably been occurring for at least four years. Midessa admitted that it could not rule out the possibility that the BAS stations were noncompliant when the company had acquired them in 1991 and 2001.

Acknowledging that it likely was in line for a fine, Midessa suggested that the base forfeiture for operating a BAS station without an authorization should be $4,000. The standard base forfeiture for operating any transmitter without an authorization is $10,000. Midessa asserted that its situation was similar to cases involving BAS studio-to-transmitter links in which the Commission assessed only a $4,000 fine after determining the licensee had color of authority to operate the BAS STL pursuant to its existing license for its full power station. The Commission simply disagreed with this analysis, citing enforcement action precedents where fines of $10,000 had been imposed for unlicensed BAS operations, even when the BAS operator had a valid license for an associated full power broadcast station.

Section 1.80 of the FCC's rules sets the base forfeiture amount for operating a station without an authorization at $10,000, and for operating an authorized station out of a compliance with the authorization at $4,000. Thus the Commission calculated a total base fine in this case of $54,000 – $10,000 for each of three unlicensed stations, and $4,000 for each of six stations that were modified without authorizations. The Commission can adjust the base amount of a forfeiture upward or downward as it may see fit. Despite the fact that Midessa had voluntarily brought these violations to the Commission's attention, the agency could find no justification for discounting the base amount. Rather, it reasoned that Midessa had operated these stations with persistent violations for many years and had acknowledged discovering the violations almost a year before it filed the applications to correct these errors. The agency ruled that these factors warranted an upward adjustment of $32,400, bringing the total amount of the fine to $86,400. Midessa has 30 days in which to seek reconsideration.

Wireless Bureau Going Paperless

The FCC's Wireless Telecommunications Bureau has issued a Public Notice to announce its plans for what it calls enhanced electronic access to the authorizations in the Universal Licensing System ("ULS") and the Antenna Structure Registration System ("ASR"). The ULS handles licensing for a wide variety of radio services. Among them, of most interest to broadcasters, is the broadcast auxiliary service. All towers and other structures supporting an antenna that require FAA review must also be registered in the ASR System.

Earlier this year, the Commission released a *Report on FCC Process Reform* recommending that, "to the extent permitted by Federal records retention requirements," licensing Bureaus "should eliminate paper copies of licenses." When this recommendation is fully implemented, the Commission will stop providing paper copies of current authorizations to licensees and registrants unless the licensee or registrant notifies the agency that it wishes to continue to receive paper copies.

Doing its part to implement this modernization, the Wireless Bureau is announcing certain changes in how it conducts its business. Until now, the Bureau has printed paper copies of licenses and registrations and routinely mailed them to the licensees and registrants. That practice will continue during an interim period while the Bureau evaluates the proposed changeover to a completely electronic system. However, now and going forward, the Bureau will deem the electronic version of an authorization stored in the ULS or the ARS System to be the official FCC document. All licensees and registrants can access the official electronic versions of their current authorizations in active status through License Manager in ULS or ASR Dashboard in the ASR System. Only licensees and registrants can access these documents in this manner. While the electronic distribution mode will be the default position, the Bureau will retain the capability to print and distribute paper copies upon request by licensees and registrants.

The Bureau proposes a second method for distributing authorizations electronically. Under this proposal, the Commission would send an official electronic version of the authorization via email to the licensee or registrant if an email address is included in "Applicant Information" in the original application form. The email would not be sent to the person identified as the applicant's contact.

The Bureau seeks comment about whether these paperless procedures meet the public's need for convenient access to official authorizations. Comments should be submitted by November 10 in Docket 14-161.

The Bureau notes that the Commission's rules require some licensees to retain current authorizations as a part of station records. In some services, authorizations must be posted at certain locations. Also, antenna structure owners are required to post the Antenna Structure Registration Number at each facility, and to provide all tenant licensees on the structure access to a copy of the Antenna Structure Registration. These obligations are not affected by the Bureau's move to paperless operations. Licensees and registrants will have to print out paper copies of the official electronic documents for use in complying with these regulations.

FCC Fines Late License Renewal Applicants

The Video Division of the FCC's Media Bureau has sent Class A Television Station WMNO-CA, Bucyrus, Ohio, a *Notice of Proposed Liability for Forfeiture*, proposing to fine it $16,000 for filing its license renewal application late and other rule violations.

WMNO-CA's last license expired on October 1, 2013. Its application for license renewal was due on June 1, 2013. A renewal application was not filed until December 4, 2013 – six months late and 52 days after it was without any authorization to be on the air. On the same day, the licensee also filed a request for a Special Temporary Authorization to permit it to continue to broadcast until the Commission acted on the renewal application.

In reviewing the renewal application, it came to the Bureau's attention that the station had failed to file its quarterly Children's Television Programming Reports for eight quarters and it had neglected to report those failures in the license renewal application. The Bureau also found that the station had not filed a Biennial Ownership Report for 2011.

The Bureau tallied forfeitures for each of these violations in accord with Section 1.80 of the Commission's rules. The base amount of the forfeiture for operating a station without an authorization is $10,000. However, the Bureau reduced this figure to $7,000, consistent with precedent in cases where the offender was merely operating with a lapsed license (as opposed to a pirate who had never had a license). The base amount for failing to file a form or provide timely information to the Commission is $3,000. The bureau proposed a separate $3,000 fine for each of the following failures: (1) failure to file eight Children's Television Programming Reports; (2) failure to report the absence of those Reports in the license renewal application; and (3) failure to file the 2011 Biennial Ownership Report. These amounts add up to the total proposed fine of $16,000.

The Bureau noted that WMNO-CA could elect to drop its Class A status and to revert to being a low power TV station that would not have obligations to file Children's Television Programming Reports. The Bureau invited the station to consider that option and advised that if the station were to revert to LPTV status, it would no longer be liable for the forfeiture. This suggestion was made despite the fact that LPTV stations remain obligated to timely file license renewal applications and biennial ownership reports.

Another recent license renewal case was handled by the Media Bureau's Audio Division. It concerned noncommercial WAIC(FM), Springfield, Massachusetts, licensed to American International College. The license renewal application for WAIC was due December 1, 2013, but was not filed until March 28, 2014, three days before the license was set to expire.

In response to a question in the license renewal application about the completeness of its public inspection file, the licensee responded "NO." That response was changed to "YES" in an amendment that included an explanation to the effect that the issues/programs lists were missing from the file. The licensee explained that until 2011, WAIC had been a student-run station with a faculty supervisor. When that faculty member resigned, the licensee began rebroadcasting programming provided by Connecticut Public Radio. The deficiency in the public file came to the licensee's attention in March, 2014 around the time that the renewal application was being prepared.

Making diligent effort to repair its records, the licensee reported that it had recreated the issues/programs lists for the period back to 2011. For the time while the station was student-run, the licensee could only produce daily programming logs dating back to 2007.

The Bureau determined that this case warranted a $1,500 forfeiture for the late license renewal application (adjusted downward from the base amount of $3,000), and $12,000 for the public file violations (adjusted upward from the base amount of $10,000) – making a total fine of $13,500.

In its *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture*, the Bureau expressed its concern about the licensee's "cavalier attitude toward creating and retaining the quarterly issues/programs lists." The Bureau said that additional measures were needed to ensure the station's future compliance with the Commission's rules. Those measures turned out to be a short-term license renewal. Upon resolution of the forfeiture proceeding, the station's license will be renewed for a four-year term, rather than the standard eight years.