

New Schedule for Reverse Auction Filing Window: December 8 - January 12

The FCC has postponed the filing window for applications for the reverse television spectrum auction. The window had been set for December 1 to 18. Now it is rescheduled to open at 12 noon Eastern Time on December 8 and to conclude at 6:00 p.m. Eastern Time on January 12. The delay resulted from revisions to the coverage and population data for a small number of television stations. If these stations remain on the air after the auction, the Commission is obligated to repack them, as well as all other stations, with essentially the same coverage parameters. The opening bid prices for those stations have also been recalculated. The Commission had promised to give licensees at least 60 days after the announcement of the opening bids in which to evaluate their prospects and decide whether to participate. The postponement was needed to give the affected stations the full 60-day due diligence period before the filing deadline. The bidding is set to begin on March 29.

In other recent Public Notices, the Commission has also finalized the form for claiming reimbursements for expenses

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Reverse Auction Anti-Collusion Rule Covers All TV Licensees

The FCC's anti-collusion rules are designed to protect the integrity of the auction process by prohibiting disclosures of auction-related strategic information that could prevent an auction from being fair and transparent. These rules apply to the reverse auction just as they would to any other FCC auction. Because of the unique qualities of the reverse auction, the Commission has released a Public Notice with guidance about how to comply with the rules in this proceeding.

Section 1.2205(b) of the Commission's rules states that, subject to certain specific exceptions, "beginning on the deadline for submitting applications to participate in the reverse auction and until the results of the incentive auction are announced by public notice, all full power and Class A broadcast television licensees are prohibited from communicating directly or indirectly any incentive auction applicant's bids or bidding strategies to any other full power or Class A broadcast television licensee or to any forward auction applicant." For purposes of the rule, a television licensee

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Expired License of School Station Protected Against Short-Spaced Application

The FCC's Media Bureau has rejected a proposal by Press Communications to swap frequencies between its own WBHX, Tuckerton, New Jersey, and WZBZ, Pleasantville, New Jersey so as to accommodate moving WBHX to a new antenna site. Changing the channel for WZBZ would make it short-spaced to the antenna site for WAJM, Atlantic City, New Jersey. Press submitted its proposal in August, 2010. The license for WAJM had expired more than three years earlier and no license renewal application had been filed. Press asserted that WAJM no longer existed and did not merit protection at that point. It argued that no rule waiver or other special arrangement should be needed.

The licensee of WAJM, the Atlantic City Board of Education, awoke to the situation and filed a tardy license renewal application in September, 2010. The proceeding continued for so long that the next regular license term ended and a second, timely,

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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, DC 20036

Tel: 202.663.8184

Fax: 202.663.8007

E-mail: lew.paper@pillsburylaw.com

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includes all controlling interests in the licensee, and all officers, directors and governing board members. Generally, a party that submits an application becomes an “applicant” under this rule at the deadline for submitting applications to participate in the reverse auction (January 12), and for the purposes of the rule, that party’s status does not change regardless of subsequent developments during the auction process, including whether or not that applicant actually bids. Notice that the restriction applies to all full power and Class A television licensees – not merely those that are applicants.

To protect the ongoing business integrity of television stations, the FCC will not disclose the existence or contents of reverse auction applications. However, it is not a violation of the anti-collusion rule for a reverse auction applicant to disclose whether or not it has filed or plans to file an application. On the other hand, disclosing the contents of an application and/or the applicant’s bidding strategy would be a violation in most cases. The Commission cautions licensees to be careful when communicating their own or another party’s applicant or non-applicant status so as to avoid communications that convey or appear to convey strategic information. For instance, a communication that a broadcaster “is not bidding” in the auction, in contrast to “is not an applicant,” appears to violate the rule, according to the Commission, and would trigger an obligation to report a violation.

There are three exceptions under which communications regarding bids or bidding strategies are permissible: (1) Communications between covered broadcast licensees are permitted if the licensees share a common controlling interest, director, officer or governing board member. (2) Communications are permitted between a broadcast licensee and a forward auction applicant if a controlling interest, director, officer or governing board member of the broadcast licensee is also a controlling interest, director, officer or holder of any ten percent or greater ownership interest in the forward auction applicant as of the reverse auction application filing deadline. (3) Communications are also permitted between broadcast licensees that are parties to a channel sharing agreement that was executed prior to the reverse auction application filing deadline and that was disclosed in a reverse auction application.

The prohibition generally only pertains to covered parties (i.e., broadcast television licensees and forward auction applicants) and does not necessarily prohibit communications to third parties, such as attorneys, consultants or lenders. The Commission suggests taking reasonable steps to

prevent such third parties from becoming conduits of information to others by requiring them to sign nondisclosure agreements. Where a law firm represents two separate covered parties, an information firewall between attorneys may be effective, although the Commission’s preference would be for the applicants to use different law firms entirely.

The prohibition against auction-related disclosures includes disclosures that would typically occur in the context of negotiating the sale, assignment or transfer of control of a broadcast license. Ordinarily, a party negotiating such an agreement would want and need to disclose to the other party information about something as important to the future of the station as the reverse auction application of the station in question, or of other stations in the market. Nonetheless, such disclosures would be a violation of the anti-collusion rule.

The auction rules bar the assignment or transfer of control of an applicant with an application pending in an auction. The Commission has waived that rule for the reverse auction with the following conditions: (1) the assignment/transfer-of-control application must be accepted for filing by the deadline for filing reverse auction applications (i.e., by January 12), and (2) the application must include the express representation that the buyer agrees to be bound by the original applicant’s actions in the auction. The Commission took this unusual step on its own initiative out of a concern that prohibiting assignments and transfers of control during the auction would discourage some licensees from participating in the auction, contrary to the agency’s overall policy of attempting to facilitate as much participation as possible.

Having outlined the prohibitions, the Commission made it clear that the rule is intended to have a narrow scope, covering only matters related to an applicant’s bidding and bidding strategies. Routine business communications do not violate the rule. Nor do communications about plans for continuing operations or near-term changes in operations. Such disclosures do not necessarily lead to legitimate inferences about a licensee’s reverse auction bidding strategy.

The auction rules require covered parties (i.e., all full power and Class A television licensees and all forward auction applicants) to report any violation of the anti-collusion rules that they experience or witness promptly by the “most expeditious means available” to the chief of the Auctions and Spectrum Access Division in the FCC’s Wireless Telecommunications Bureau. The failure to submit a report of a known violation is itself a separate rule violation, “with attendant consequences.”

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New Schedule for Reverse Auction Filing Window continued from page 1

incurred by stations in the repacking process, announced instructions for completing and filing the Form 177 application, and clarified procedures for the disbursement of reverse auction proceeds.

Reimbursement for Repacking Expenses

The legislation that established the incentive auction allocated \$1.75 billion from auction proceeds for a TV Broadcast Relocation Fund to reimburse television stations and MVPDs for expenses they incur in the post-auction repacking process when many stations will need to move to a new channel and/or a new antenna site. The FCC has developed the final version of the Reimbursement Form which broadcasters will use to claim their reimbursements. The form will be filed with the Commission electronically as Form 2100, Schedule 399. A catalogue of the expenses most likely to be incurred is embedded in the form for easy selection. However, if need be, stations can list other items for reimbursement aside from those in the catalogue.

Each eligible broadcaster will receive an initial allocation of funds based on estimated costs. This money will be held in the U.S. Treasury and will be available to stations as they need the funds. The Commission had originally planned to process reimbursement requests through the U.S. Treasury's disbursement system. However, now the agency has determined that its own in-house disbursement process would more efficient, and less costly. Stations will request funds to be transferred to their bank accounts through the Commission's Registration System, or CORES (the same system where FCC Registration Numbers are obtained). Stations will file an estimate for their total costs at the beginning of the process, and then periodically file requests for reimbursement of specific items with cost documentation, such as vendor invoices, as they incur expenses. Stations can ask the Commission to pay their vendors directly, or they can pay the bills themselves and seek reimbursement from the agency. Figures for the amount disbursed to each station, and the cost of specific items or services purchased, will be available to the public on the FCC's Licensing and Management System. Vendor identification and copies of invoices will not be disclosed to the public.

The Commission has submitted the Reimbursement Form to the Office of Management and Budget for its review under the Paperwork Reduction Act. OMB is accepting public comments on the form until January 11.

Application Preparation and Filing

Each television licensee intending to participate in the reverse auction must electronically file a Form 177 application by 6:00 p.m. Eastern Time on January 12. In addition to providing basic information to identify itself and its ownership structure, each licensee must indicate the relinquishment option(s) it is selecting for each sta-

tion that it submits to the auction. There are three options: (1) go off air, (2) move to low VHF channel, and (3) move to high VHF channel. The applicant may indicate as many of these options on the application as the station is eligible for. After the filing window closes, an option cannot be added that was not selected, nor can an application be withdrawn. In the bidding process that will begin in March, an applicant may choose to pursue any option listed in its application, or none at all.

The applicant must indicate whether it intends to enter into a channel-sharing agreement as a sharee (i.e., to share another station's channel). If so, it should have selected the option for going off air. If the applicant has executed a channel-sharing agreement, an unredacted copy of the agreement must accompany the application, along with a certification from the other party to the agreement. The applicant will have to certify that the channel-sharing agreement is consistent with the Commission's rules, that operation from the shared channel facilities will not result in a change of its market, that the arrangement will not violate the multiple ownership rules, and that the community of license coverage requirements can be accomplished from the shared facilities.

The existence and contents of all nonwinning reverse auction applications will be kept confidential by the Commission for two years after the conclusion of the auction.

Disbursement Procedures

Responding to inquiries from television broadcasters, the FCC's Wireless Telecommunications Bureau has clarified the circumstances under which it will pay out reverse auction proceeds to third parties. In addition to their own accounts, winning reverse auction bidders will be permitted to instruct the Commission to disburse their payments to the accounts of a qualified intermediary, a qualified trust, an escrow account, or an account jointly owned by parties to a channel-sharing agreement. Payment of funds for any winning bidder will not be divided by the Commission and will be deposited into only one account.

Winning bidders and third parties to whom the winning bidder instructs the Commission to disburse auction proceeds will be required (1) to agree to indemnify and to hold harmless the United States from any liability arising from the disbursement, (2) to acknowledge that the payments are subject to offset in accord with the law for debts owed to the Commission or the United States by either the winning bidder or the third party, and (3) to acknowledge that payments will not be made to or for the benefit of any winning bidder or other payee appearing on the U.S. Treasury's "Do Not Pay" portal. The Bureau further clarifies that none of these cautionary notes constitutes guidance about how federal tax laws may apply to incentive auction payments.



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

- Dec. 1, 2015 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, 2015 Deadline to file Biennial Ownership Report for all noncommercial radio stations in **Alabama, Connecticut, Georgia, Maine, Massachusetts, New Hampshire Rhode Island** and **Vermont**, and non-commercial television stations in **Colorado, Minnesota, Montana, North Dakota** and **South Dakota**.
- Dec. 1, 2015 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, 2015 Deadline to file EEO Broadcast Mid-term Report for all radio stations in employment units with more than 10 full-time employees in **Alabama** and **Georgia**.
- Dec. 1, 2015 Deadline to file Ancillary/Supplementary Services Report for all digital television stations.
- Dec. 2, 2015 Deadline for all commercial radio and television stations to file Biennial Ownership Report with data accurate as of October 1.
- Jan. 10, 2016 Deadline to place Issues/Programs List for previous quarter in public inspection file for all full service radio and television stations and Class A TV stations.
- Jan. 11, 2016 Deadline to file quarterly Children's Television Programming Reports for all commercial television stations.
- Feb. 1, 2016 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 **Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York** and **Oklahoma**.

- Feb. 1, 2016 Deadline to file Biennial Ownership Report for all noncommercial radio stations in **Arkansas, Louisiana, Mississippi, New York** and **New Jersey** and noncommercial television stations in **Kansas, Nebraska** and **Oklahoma**.
- Feb. 1, 2016 Deadline for all broadcast licensees and permittees of stations in **Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York** and **Oklahoma** 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).
- Feb. 1, 2016 Deadline to file EEO Broadcast Mid-term Report for all radio stations in employment units with more than 10 full-time employees in **Arkansas, Louisiana** and **Mississippi**.

Deadlines for Comments In FCC and Other Proceedings

Docket	Comments	Reply Comments
(All proceedings are before the FCC unless otherwise noted.)		
Docket 15-121; FNPRM Regulatory fees		Dec. 7
Docket 15-216; NPRM Good faith negotiations for retransmission consent agreements	Dec. 1	Jan. 14
Docket 15-236; NPRM Foreign ownership of broadcast licensees	Dec. 21	Jan. 20
Docket 13-249; FNPRM and NOI Revitalization of AM radio	Jan. 21	Feb. 15

Happy Holidays!



DEADLINES TO WATCH



Cut-Off Date 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 21, 2015. Informal objections may be filed anytime prior to grant of the application.

Present Community	Proposed Community	Station	Channel	Frequency
Quartzsite, AZ	Parker Strip, AZ	New	275	102.9
Dermott, AR	Moorhead, MS	New	224	92.7
Maumelle, AR	Bigelow, AR	KWLR	245	96.9
Barstow, CA	Hinkley, CA	New	267	101.3
Pinellas Park, FL	Largo, FL	WHBO(AM)	N/A	1040
Morris, IL	Geneva, IL	WCSJ(AM)	N/A	1550
Bastrop, LA	Calhoun, LA	New	228	93.5
Newton, MA	Cambridge, MA	WNTN(AM)	N/A	1550
Laurel, MS	Collins, MS	WAML(AM)	N/A	1340
Oxford, MS	Courtland, MS	WTNM	229	93.7
Marshfield, MO	Fair Grove, MO	KQOH	220	91.9
Monticello, NY	South Fallsburg, NY	WJUX	259	99.7
Crary, ND	Rugby, ND	KKWZ	237	95.3
Devils Lake, ND	Crary, ND	KQZZ	244	96.7
McAlester, OK	Krebs, OK	KTMC-FM	286	105.1

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 December 28, 2015. Informal objections may be filed anytime prior to grant.

Community	Station	Channel	Applicant
Bakersfield, CA	New	9	W&K Pharmacy
San Diego, CA	KRPE-LP	17	Venture Technologies Group, LLC
Syracuse, NY	WOBX-LP	32	Metro TV, Inc.
Utuaado, PR	W32AI	28	Telemundo of Puerto Rico
Lowry, SD	New	44	South Dakota Five County TV Trans. Dist.
Corpus Christi, TX	KTMV-LP	7	Minerva R. Lopez
Corpus Christi, TX	KXCC-LP	16	Abraham Telecasting Co., LLC
Corpus Christi, TX	KCCX-LP	18	MAKO Communications, LLC
Midland, TX	K51LI-D	14	MAKO Communications, LLC
San Antonio, TX	KXTM-LP	45	Carlos Lopez, Executor for Estate of Humberto L. Lopez

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
Licensee conducted contests Section 73.1216	Dec. 7
Children's television requests for preemption flexibility	Dec. 18
FM translator construction permit application, Form 349	Dec. 18
Equal Employment Opportunity, Section 73.2080	Dec. 24
Definition of cable television markets, Section 76.59	Dec. 28
Application for audio and video service authorization, Form 2100, Schedule B	Dec. 28
Application for low power FM construction permit, Form 318	Jan. 5
Broadcast equipment tests, Section 73.1610	Jan. 5
Requests for Special Temporary Authorizations	Jan. 11
Application for full service television license, Form 2100, Schedule B	Jan. 11
Application for Class A TV construction permit, Form 2100, Schedule E	Jan. 11
Application for Class A TV license, Form 2100, Schedule F	Jan. 11
TV relocation fund reimbursement, Form 2100, Schedule 399	Jan. 11
Incentive auction implementation, Section 73.3700	Jan. 12
Must carry and retransmission consent, Sections 76.56, 76.57, 76.61, 76.64	Jan. 12
LPTV authorization application, Form 2100, Schedule C	Jan. 15
Application for commercial broadcast construction permit, Form 301; Form 2100, Schedule A	Jan. 19

Cut-Off Dates for Noncommercial FM Applications

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

Community	Channel	MHz	Applicant	Deadline
Newbury, MA	202	88.3	New England Broadcasting Edu. Group, Inc.	Dec. 28

FILING WINDOW FOR NONCOMMERCIAL FM TRANSLATOR FORM 349 APPLICATIONS IN AUCTION 83 MX GROUPS
NOVEMBER 16, 2015
 to
DECEMBER 16, 2015

FILING WINDOW FOR APPLICATIONS IN AUCTION 1001 REVERSE TELEVISION SPECTRUM INCENTIVE AUCTION
DECEMBER 8, 2015, 12:00 NOON ET
 to
JANUARY 12, 2016, 6:00 PM ET

Lowest Unit Charge Schedule for 2016 Political Campaign Season

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

State	Election Event	Date	LUC Period
Iowa	Presidential Caucuses	Feb. 1	Dec. 18 - Feb. 1
N. Hampshire	Presidential Primary	Feb. 9	Dec. 26 - Feb. 9
S. Carolina	Republican Pres. Primary	Feb. 20	Jan. 6 - Feb. 20
Nevada	Democratic Pres. Caucus	Feb. 20	Jan. 6 - Feb. 20
Nevada	Republican Pres. Caucus	Feb. 23	Jan. 9 - Feb. 23
South Carolina	Democratic Pres. Primary	Feb. 27	Jan. 13 - Feb. 27
Alabama	Pres. & State Primary	Mar. 1	Jan. 16 - Mar. 1
Arkansas	Pres. & State Primary	Mar. 1	Jan. 16 - Mar. 1
Georgia	Presidential Primary	Mar. 1	Jan. 16 - Mar. 1
Massachusetts	Presidential Primary	Mar. 1	Jan. 16 - Mar. 1
Minnesota	Presidential Caucuses	Mar. 1	Jan. 16 - Mar. 1
North Dakota	Republican Pres. Caucuses	Mar. 1	Jan. 16 - Mar. 1
Oklahoma	Presidential Primary	Mar. 1	Jan. 16 - Mar. 1
Tennessee	Presidential Primary	Mar. 1	Jan. 16 - Mar. 1
Texas	Pres. & State Primary	Mar. 1	Jan. 16 - Mar. 1
Vermont	Presidential Primary	Mar. 1	Jan. 16 - Mar. 1
Virginia	Presidential Primary	Mar. 1	Jan. 16 - Mar. 1
Kansas	Presidential Caucuses	Mar. 5	Jan. 20 - Mar. 5
Louisiana	Presidential Primary	Mar. 5	Jan. 20 - Mar. 5
Nebraska	Democratic Pres. Caucus	Mar. 5	Jan. 20 - Mar. 5
Washington	Republican Pres. Caucus	Mar. 5	Jan. 20 - Mar. 5
Maine	Democratic Pres. Caucus	Mar. 6	Jan. 21 - Mar. 6
Hawaii	Republican Pres. Caucus	Mar. 8	Jan. 23 - Mar. 8
Idaho	Republican Pres. Caucus	Mar. 8	Jan. 23 - Mar. 8
Michigan	Presidential Primary	Mar. 8	Jan. 23 - Mar. 8
Mississippi	Presidential Primary	Mar. 8	Jan. 23 - Mar. 8
Florida	Presidential Primary	Mar. 15	Jan. 30 - Mar. 15
Illinois	Pres. & State Primary	Mar. 15	Jan. 30 - Mar. 15
Missouri	Presidential Primary	Mar. 15	Jan. 30 - Mar. 15
North Carolina	Presidential Primary	Mar. 15	Jan. 30 - Mar. 15
Ohio	Pres. & State Primary	Mar. 15	Jan. 30 - Mar. 15
Arizona	Presidential Primary	Mar. 22	Feb. 5 - Mar. 22
Idaho	Democratic Pres. Caucus	Mar. 22	Feb. 5 - Mar. 22
Utah	Presidential Caucuses	Mar. 22	Feb. 5 - Mar. 22
Alaska	Democratic Pres. Caucus	Mar. 26	Feb. 10 - Mar. 26
Hawaii	Democratic Pres. Caucus	Mar. 26	Feb. 10 - Mar. 26
Washington	Democratic Pres. Caucus	Mar. 26	Feb. 10 - Mar. 26

CAPTIONING OF "STRAIGHT LIFT" VIDEO CLIPS DELIVERED VIA IP REQUIRED AS OF JANUARY 1, 2016

This rule requires captioning of the Internet transmission of any clip containing a single excerpt of a captioned broadcast TV program. Montages containing multiple clips of captioned broadcast content must be captioned for IP transmission by January 1, 2017.

Expired License continued from page 1

license renewal application for WAJM was filed in 2014 while the 2010 application was still pending.

Press argued that extending legitimacy to the expired WAJM license constituted a de facto and illegal elongation of the license well beyond the eight-year limit for licenses set by the Communications Act. The Bureau brushed aside Press's argument, citing precedents in other cases where extremely late-filed renewal applications had been accepted and granted well beyond the end of the regular license term. It faulted Press for failing to request a waiver or otherwise address the short-spacing issue when specifically called upon to do so. (Another aspect of the case was the fact that the proposed channel change for WZBZ would have made it short-spaced to yet another station as well.) Press has filed an Application for Review with the full Commission, pursuing its claim that an expired license for which no renewal application is pending need not be protected.

Meanwhile, the Atlantic City School Board found that although the license had been saved, it still faced sanctions for its dilatory behavior. In addition to the problem with the late license renewal application, it came to light that the station's public inspection file had not been properly maintained and that the station's antenna was operating at variance from its authorized parameters.

WAJM was a student-operated station at the time of the incidents under review in this case. That made it eligible for lenient treatment under the Commission's 2013 *Policy Statement* for student-run stations. Under that policy, student-operated noncommercial stations that commit first-time violations of certain documentation requirements of the agency's rules would be given the opportunity to negotiate a consent decree allowing for significant reduction in the amount of the fine or penalty to be paid. The rule violations covered by this policy are limited to "violations of rules that require the submission of reports and other material or public notice of information..." All other violations are to be processed in the same manner applicable to all other licensees.

The School Board did enter into a Consent Decree with the Media Bureau that includes a rigorous compliance plan involving staff training and a two-year regimen of regular periodic audits and reports to the FCC. The Bureau determined that the public file violations and filing the license renewal application late were the kind of violations covered under the *Policy Statement* for special treatment. For these violations, the School Board agreed to pay a civil penalty of \$1,500. The Bureau viewed operating the station without any authorization after the license had expired, and operating the antenna at variance from the station's license as more serious violations that did not qualify for treatment under the student station policy. For those violations, the School Board agreed in the Consent Decree to pay a penalty of \$4,750.

AUDIBLE CRAWL RULE BECAME EFFECTIVE NOVEMBER 30, 2015

This rule requires television broadcasters to transmit on the secondary audio program stream an aural version of text-based emergency information broadcast outside of regularly scheduled news programming or EAS alerts.

Noncommercial FM Translator Long-Form Applications Due December 16

The FCC's Media Bureau has announced a filing window for long-form applications (Form 349) for 69 noncommercial FM translator applicants in 31 groups of mutually exclusive technical proposals that were originally submitted on Form 175 during the Auction 83 FM translator filing window in 2003. The filing window is currently open and will close on December 16 at 12 midnight Eastern Time. Pending Form 175 proposals for which no long-form application is filed by that deadline will be dismissed.

An applicant qualifies as noncommercial if it proposed to rebroadcast a primary noncommercial station and/or selected noncommercial status for itself on its Form 175. Although these applications qualify as noncommercial, all of them propose to use frequencies in the nonreserved (i.e., commercial) FM band. The reserved noncommercial portion of the FM band was not available for applications in the Auction 83 filing window.

The noncommercial comparative selection process will be used to choose the winning applicant(s) in each group. That involves the evaluation of points earned by the appli-

cants in four categories of criteria: (1) being an established local applicant at least two years prior to the snapshot date, (2) diversity of radio station ownership, (3) operating a statewide network, and (4) superior technical parameters. Applicants must claim points and document the basis for those claims in their long-form applications. Evaluations will be based on the documentation presented in the applications and current as of the snapshot date – December 16, 2015, the last day of the long-form application filing window. Amendments that would have the effect of enhancing an applicant's position will not be accepted after that deadline.

Media Bureau staff will review applications and select one or more tentative selectee(s) in each group. Announcement of a tentative selection will trigger the beginning of a 30-day period for petitions to deny. After that 30-day period has expired, if there is no substantial or material question concerning the grantability of the tentative selectee's application, the Bureau will grant it and dismiss all of the applications that are mutually exclusive with it.

Inter-Service Interference Standards Adopted for 600 MHz Band

The FCC has adopted and confirmed the interference standards that will govern the relationships between television broadcasters and wireless operators in the 600 MHz band after the incentive auction. It is likely that the post-auction 600 MHz environment will feature co-channel and adjacent-channel television and wireless operations near each other. This is because there may not be adequate spectrum in the repacked television band to accommodate all of the TV stations that want to remain on the air. Another factor that will foster intermixture of the services is the Commission's policy of varying the amount of spectrum to be repurposed from market to market to avoid limiting the amount of spectrum that can be reallocated to wireless services throughout the country to only what is available in the most constrained market. These rulings came in the *Third Report and Order and First Order on Reconsideration* in Docket 12-268.

Technically, the 600 MHz band, or the spectrum from 600 MHz to 700 MHz, encompasses the present television channels 35 to 51. In the context of this rulemaking, it has come more generally to mean the spectrum that will be reallocated from television to wireless services in the incentive auction. Depending on how much spectrum television broadcasters are willing to sell and wireless companies are willing to buy, this band could be drawn from the present television channels 51, 50 and the high 40s, or it could become a wide swath from the present channel 51 down to the high 20s.

There are four scenarios for possible interference when

these two services operate so near to each other: (1) a digital TV transmitter causing interference to a wireless base station (Case 1); (2) a digital TV transmitter causing interference to wireless user equipment (Case 2); (3) a wireless base station causing interference to a digital TV receiver (Case 3); (4) wireless user equipment causing interference to a digital TV receiver (Case 4).

Areas where the potential for such interference exists are called "impairments" for purposes of wireless licensing. Impaired license areas may include "infringed" and/or "restricted" areas. An infringed area is one in which wireless operation is predicted to receive harmful interference from a television station (Cases 1 and 2). Wireless licensees will be allowed to operate in infringed areas, but will assume the risk of receiving interference from television. A restricted area is one where wireless operations would be predicted to cause harmful interference to television reception (Cases 3 and 4).

At the outset, the Commission adopted the baseline principle of a zero percent threshold for allowable interference from wireless operations to the reception of television signals that are co-channel or adjacent-channel for Cases 3 and 4. The methodology for predicting interference in Case 3 will be that of OET-74 – Bulletin 74 of the FCC's Office of Engineering and Technology, which employs Longley-Rice methodology. Wireless operations will be prohibited where

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Inter-Service Interference Standards Adopted for 600 MHz Band

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OET-74 methodology predicts interference would occur within the noise limited contour of a full power TV station or the protected contour of a Class A station – but only to the extent that such interference would affect populated areas. Unpopulated area will not be protected. To prevent Case 4 type interference, wireless operators will be required to configure their service areas so that users’ mobile and portable equipment will not be operated within the TV stations’ contours or within certain buffer zones around those contours. The buffer zone for co-channel TV stations is five kilometers beyond the full power noise limited contour or the Class A protected contour. If the operations are on adjacent channels, the buffer zone is one half kilometer beyond the TV station contours. Aside from these formulas and methodologies, wireless licensees will be required to eliminate any actual harmful interference to television reception within the contours of a full power or Class A station in the 600 MHz band, even if OET-74 does not predict that such interference would exist.

To resolve an interference complaint, a television station operating in the 600 MHz band must first contact the suspected wireless licensee. If it has such documentation, the wireless licensee must furnish the television station with the latest OET-74 analysis showing that no harmful interference was predicted to occur in the geographic area in question. The two licensees are to cooperate with each other in good faith to resolve the problem with a minimum of disruption to their respective operations. In the event that a satisfactory resolution cannot be achieved, the broadcaster can file an interference complaint with the FCC.

To give wireless operators some degree of stability, full power and Class A television stations on channels in the 600 MHz band will be precluded from expanding their noise limited and protected contours unless they have agreements with the wireless licensee(s) on a co-channel or adjacent channel to allow such an expansion. The baseline contours will be those proposed in the television station’s post-auction construction permit application.

Low power television stations and television translators may continue to operate in the 600 MHz band as long as they do not cause interference to wireless operations or until a wireless licensee provides advance notice that it intends to commence operations and that the LPTV station is likely to cause interference. LPTVs and translators will not be protected from interference received from wireless operations.

Full power and Class A television stations presently operating in the 600 MHz band that will relocate to other channels will have a 39-month post-auction transition period in which to complete the relocation. While they continue to operate on channels in the 600 MHz band, they will enjoy the same protection from interference caused by wireless operations as is mandated for television stations that will be permanent residents in the 600 MHz band.

Broadcasters have persistently objected during this rulemaking proceeding that the relocation and repacking processes may result in reducing the size and population of their coverage areas, contrary to the Commission’s statutory obligation to maintain stations’ pre-auction coverage metrics as much as is reasonably possible. Addressing those objections, the Commission said that in the event that a station is predicted to lose viewers as a result of a new channel assignment, there will be three opportunities for post-auction remedies. First, as previously adopted, a station may request up to a one percent coverage contour increase as part of its initial post-auction construction permit application. Second, the Commission adopted a new amendment to its rules to provide that a station that experiences a loss in population served greater than one percent in the repacking process may file an application for an alternate channel or expanded facilities in a priority filing window. Third, stations experiencing a loss in service area would be eligible to deploy digital-to-digital replacement translators to fill in the gap(s).

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