

Cost Catalog Finalized for C-Band Relocation; Deadline for Lump Sum Elections Is August 31

The FCC's Wireless Telecommunications Bureau has released a *Public Notice* (DA 20-802) to announce the adoption of the final cost catalog for reimbursement of relocation expenses for incumbent satellite space and earth stations in the Fixed Satellite Service ("FSS"), operating in the 3.7-4.2 GHz band, commonly called the C-Band. The lower portion of this band, from 3.7 to 4.0 GHz, is being reallocated for use by 5G wireless services. FSS operators in this band in the continental United States (the lower 48 states) will need to move to other frequencies, adopt alternate signal delivery methods (such as fiber), or simply terminate operations.

The FCC's International Bureau has released a *Public Notice* (DA 20-823) identifying all incumbent satellite earth stations in the continental United States that are eligible for reimbursement of their expenses incurred in this process. To qualify as incumbent and be eligible for reimbursement, each station must meet the following criteria:

- The station must have been operational as of April 19,

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New Notice Methods in Effect for Must-Carry/Retrans October 1 Election Deadline

The next three-year cycle for the carriage of broadcast television signals by multichannel video programming distributors ("MVPDs") begins January 1, 2021. The deadline for stations to provide notice of their election for either must-carry or retransmission consent is October 1, 2020. The FCC has amended the rules for giving this notice since the notices were due for the last cycle in 2017. Previously, these notices were delivered on paper copies. Under the amended rules, all notices are delivered electronically.

On or before the October 1 election deadline, each eligible

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Enforcement of Political File Rule Begets Numerous Consent Decrees

The FCC's Media Bureau has recently entered into numerous consent decrees with radio station licensees to resolve investigations about their compliance with Section 73.1943 of the FCC's Rules pertaining to the political file portion of each station's online Public Inspection File. Section 73.1943 reads as follows:

(a) Every licensee shall keep and permit public inspection of a complete and orderly record (political file) of all requests for broadcast time made by or on behalf of a candidate for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request is granted. The "disposition" includes the schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased.

(b) When free time is provided for use by or on behalf

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MVPD Notices Now Arriving Via Email

In January, the FCC amended its rules in a *Report and Order* (FCC 20-8) in Docket 19-165 regarding the manner in which cable and satellite television systems must provide certain required notices to television broadcast stations. Those rule changes have now become effective. Notices from multichannel video programming distributors (“MVPDs”) that formerly were required to be delivered on paper documents must now be delivered by email to a specifically designated email address. As of July 31, 2020, all television stations are to display an email address on their online Public Inspection File designated for the receipt of required incoming notices from MVPDs. Low power television stations that are not required to have a Public Inspection File will receive their electronic notices at the email address listed for the station licensee in the FCC’s Licensing and Management System.

Communications subject to these revised rules include:

- Notice of intent to commence service, Section 76.64(d);
- Deletion or repositioning of signal, Section 76.1601;

- Changes to principal headend, Section 76.1607;
- System technical integration requiring uniform election of must-carry or retransmission consent status, Section 76.1608;
- Notices regarding non-duplication and syndicated exclusivity, Section 76.1609;
- Cable system activation, Section 76.1617;
- Notice of intent to retransmit a “significantly viewed” out-of-market station, Sections 76.54(e) and 76.66(d)(5);
- Notice of intent to launch new local-into-local or HD carry-one, carry-all service, Section 76.66(d)(2);
- Responses to carriage requests, Sections 76.66(d)(1)(vi) and 76.66(d)(3)(iv);
- Location of local receive facility, Sections 76.66(f)(3) and 76.66(f)(4); and
- Deletion of duplicating signal or addition of formerly duplicating signal, Section 76.66(h)(5).

Restriction on Radio Program Duplication Eliminated

In a *Report and Order* (FCC 20-109) in Docket 19-310, the FCC has abolished the limitation on duplicated programming on co-owned or brokered stations with overlapping service areas. Until now, Section 73.3556 of the FCC’s Rules has restricted the broadcast of duplicate programming on a commercial radio station under common control or which has a time brokerage agreement with another commercial station in the same service (AM with AM or FM with FM) if there is an overlap of the principal community contours constituting 50 percent or more of the area within either station’s contour. The rule restricted stations in this situation from broadcasting the same programming for more than 25 percent of their average weekly air time.

This regulation has evolved over time. Previous iterations

were somewhat more restrictive. Program duplication on stations with overlapping service areas has always been viewed as an inefficient use of spectrum. One rationale for allowing duplication has been to provide help to nascent or struggling segments of the radio industry.

The FCC said that the record in this proceeding was void of evidence that the current 25% maximum limitation on duplicated programming provided any public interest benefit. Some commenters had offered unsupported assertions that the rule ensures “some basic level of diversity and . . . prevent[s] spectrum warehousing.” The Commission was not persuaded. Rather, the Commission believes that, while this order will give radio stations flexibility, broadcasters will prefer to maximize

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Chairman Hints at NCE FM Filing Window

In a letter to Congresswoman Xochitl Torres Small, FCC Chairman Ajit Pai has suggested that the Commission might open a filing window for applications for new full power noncommercial FM stations in the near future. The Congresswoman had written to Chairman Pai to inquire about scheduling a filing window for applications for new low power FM stations.

In his response, the Chairman explained that the Media Bureau’s Audio Division is responsible for scheduling filing windows for all radio applications and that the Division can handle only one window at a time. After a window has closed, the Division staff must process all of the applications that were submitted during that window before another window can be opened.

The Chairman wrote that the noncommercial FM service will be next to receive a filing window because it has not had an opportunity for new applications since the last LPFM filing window in 2013. He added that the Media Bureau staff anticipates opening a filing window for full power noncommercial FM applications after the new processing rules for that service become effective later this year. Chairman Pai predicted that upon completion of processing applications received in the noncommercial FM filing window, the Media Bureau would be in a position to open a filing window for new LPFM applications.

Nothing in the Chairman’s letter should be construed as an official formal announcement.

Fine Affirmed for ‘Good Faith Self-Help’ Measure

The FCC’s Enforcement Bureau has issued a *Memorandum Opinion and Order* (DA 20-830) affirming its August 2018, *Forfeiture Order* (DA 18-805) assessing a fine of \$12,000 against Ondas de Vida, Inc. (“ODV”), the licensee of FM translator station K256BS, Palmdale, California, for operating with power higher than authorized in the station’s license.

Enforcement Bureau field staff visited the station in the spring of 2016 and again in February 2017. The FCC inspectors repeatedly found the station to be operating with 7.5 watts of transmitter output power despite the fact that the station’s license authorized a maximum of 5.0 watts. This resulted in an effective radiated power of 33.7 watts, whereas the license authorized only 10 watts.

The Enforcement Bureau issued a *Notice of Proposed Liability for Forfeiture* (DA 17-390) (“NAL”) in April 2017, proposing the \$12,000 fine. ODV objected to the proposed fine, arguing that (1) the Enforcement Bureau should have alerted it to the violation before issuing the NAL; (2) the station was entitled to operate with the higher power; and (3) as a “thinly-funded” nonprofit entity, it could not afford to pay the fine. The Enforcement Bureau rejected all of these arguments and issued a *Forfeiture Order* (18-805) for \$12,000.

ODV filed a Petition for Reconsideration in September 2018. In its Petition, ODV admitted that, after the station’s antenna had been damaged, it intentionally increased the transmitter power in a good faith effort to continue to operate with the authorized effective radiated power. ODV repeated two arguments offered earlier in opposing the NAL: (1) the Enforcement Bureau should have provided more notice of a violation before issuing the NAL; and (2) operating the station with a higher transmitter power than specified on the license was a permissible, good-faith effort to employ self-help measures to operate with the proper effective radiated power. ODV also asserted a third reason for reconsidering the NAL in that the amount of the fine should have been reduced due to ODV’s history of compliance with the FCC’s

rules. This decision is the Enforcement Bureau’s response to that Petition.

ODV cited Section 0.111(a)(19) of the FCC’s Rules, which states that one of the Enforcement Bureau’s functions is to “[e]ncourage cooperative compliance efforts.” ODV interpreted this to require the Bureau to provide licensees with notice and an opportunity to cure observed violations before proposing a forfeiture. The Enforcement Bureau said that ODV was mistaken in believing that it was owed additional warning before issuance of the NAL. It declared that nothing in the Communications Act or the FCC’s Rules entitles a licensee to an opportunity to correct a violation prior to the issuance of a notice of apparent liability.

The Enforcement Bureau also rejected ODV’s effort to reinterpret the definition of a rule violation in the Communications Act. ODV claimed to be operating with good faith self-help to get the station’s effective radiated power up to what ODV intended to be the licensed value for radiated power despite employing higher than authorized transmitter output power. The FCC is authorized to sanction licensees for “willful” violation of its rules. The Bureau cited legislative history of the Communications Act for the principle that “‘willful’ means that the licensee knew that he was doing the act in question, regardless of whether there was an intent to violate the law.” There is no carve-out for actions taken in “good faith.”

Finally, ODV asserted that its good history of compliance with the FCC’s Rules should entitle it to reduction of the amount of the forfeiture. The Enforcement Bureau dismissed this argument on procedural grounds. ODV had failed to raise this point in its opposition to the NAL. A party is foreclosed from raising a new argument for the first time at this late stage of the proceeding if the argument could have been presented earlier.

The Petition for Reconsideration was rejected on all points and the \$12,000 fine remains in force.

Mandatory Antenna Site Sharing Repealed

The FCC has repealed the rules that mandated the sharing of common antenna sites under certain circumstances in a *Report and Order* (FCC 20-106) in Docket 19-282. Sections 73.239 (FM) and 73.635 (television) of the FCC’s Rules prohibit the grant or renewal of a license for a station if that applicant or licensee controls an antenna site that is peculiarly suitable for broadcasting in the area and does not make the site available for use by other similar applicants or licensees.

These rules were adopted 75 years ago when there were far fewer operating stations and when there was much less developed infrastructure for broadcasting. These regulations were designed to inhibit anti-competitive behavior by broadcasters with access to key unique antenna sites.

The FCC concluded that these rules are no longer necessary in view of marked changes that have occurred in the broadcasting industry since they were adopted. Broadcasting is a mature industry now, with a great many more stations

on the air. Furthermore, a significant segment of the nation’s tower infrastructure is now owned by tower companies. Broadcasters often rent space from these companies for their antennas rather than owning towers themselves.

This decision completes a rulemaking proceeding that began late last year with the release of a *Notice of Proposed Rulemaking* (FCC 19-106). The Commission observes that it received no comments from broadcasters in this proceeding. Consequently, there is no evidence in the record that any broadcaster believes that these rules remain necessary to secure an antenna site. The Commission says that it has never denied an application on the grounds that one of these rules had been violated.

The restrictions were repealed as outdated and unnecessary. These amendments to the FCC’s regulations will become effective upon publication of notice of this action in the Federal Register.



DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

August 1 & 16	Radio stations in Illinois, Michigan, Ohio and Wisconsin and television stations in the District of Columbia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia broadcast post-filing announcements regarding license renewal applications.	October 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 Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Mariana Islands, Missouri, Oregon, Puerto Rico, the Virgin Islands, and Washington.
August 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications HAS BEEN WAIVED for radio stations in Iowa and Missouri and television stations in Florida, Puerto Rico, and the Virgin Islands.	October 1	Deadline for all broadcast licensees and permittees of stations in Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Mariana Islands, Missouri, Oregon, Puerto Rico, the Virgin Islands, and Washington 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).
September 1 & 16	Radio stations in Illinois and Wisconsin and television stations in North Carolina and South Carolina broadcast post-filing announcements regarding license renewal applications.	October 1 & 16	Radio stations in Illinois, Iowa, Missouri and Wisconsin and television stations in Florida, North Carolina, Puerto Rico, South Carolina, and the Virgin Islands broadcast post-filing announcements regarding license renewal applications.
September 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications HAS BEEN WAIVED for radio stations in Iowa and Missouri and television stations in Florida, Puerto Rico, and the Virgin Islands.	October 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications HAS BEEN WAIVED for radio stations in Colorado, Minnesota, Montana, North Dakota, and South Dakota and television stations in Alabama and Georgia.
October 1	Deadline to file license renewal applications for radio stations in Iowa and Missouri , and television stations in Florida, Puerto Rico and the Virgin Islands.		

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
Low power TV channel sharing, Form 2100, Schedule C	Aug. 17
3.7 GHz band relocation clearinghouse and coordinator real-time disclosures, Sections 27.1413(c)(6), 27.1414(b)(4)(I)	Aug. 21
3.7 GHz band relocation clearinghouse, relocation coordinator	Aug. 24
Rates for candidate ads, Section 73.1942	Aug. 28
AM directional antenna field strength measurements, Section 73.61	Sep. 8
3.7 GHz band space station operator accelerated relocation elections and transition plans	Sep. 8
3.7 GHz incumbent earth station lump sum payment elections	Sep. 8
Broadcast station chief operators, Section 73.1870	Sep. 11
Permit-but-disclose proceedings, Section 1.1206	Sep. 11
International broadcast station applications, Forms 420-IB, 421-IB, and 422-IB	Sep. 14
Procedures for formal complaints, Form 485	Sep. 25
Application for auxiliary radio service authorization, Form 601	Sep. 25



DEADLINES TO WATCH



Deadlines for Comments in FCC and Other Proceedings

DOCKET

COMMENTS

REPLY COMMENTS

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

Docket 20-145; NPRM (FCC 20-73) Broadcast Internet via ATSC 3.0	August 17	August 31
Docket 18-122; Public Notice (DA 20-827) Qualifications of proposed coordinator for 3.7-4.2 GHz relocation	August 18	August 28
Docket 18-122; Public Notice (DA 20-828) Qualifications of proposed payment clearinghouse for 3.7-4.2 GHz relocation reimbursement	August 18	August 28
Docket 20-155; NPRM (DA 20-606) Add Channel 238A at Edgefield, South Carolina, to FM Table of Allotments		August 18
Docket 17-172; Public Notice (DA 20-779) Reconsideration of guidance for siting methodologies for certain satellite earth stations subject to band-sharing with Upper Microwave Flexible Use Service	August 21	September 8
Docket 13-42; NPRM (FCC 20-89) Reallocation of T-Band spectrum	August 31	September 29
RM-11862; Petition for Rulemaking Clarification of Communications Decency Act	September 2	September 17
Docket 20-221; NPRM (FCC 20-92) Updating ex parte rules	FR+30	FR+45

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

Revised Lowest Unit Charge Schedule for 2020 Political Campaign Season

During the 45-day period prior to a primary election or party caucus and the 60-day period prior to the general election, commercial broadcast stations are prohibited from charging any legally qualified candidate for elective office (who does not waive his or her rights) more than the station's Lowest Unit Charge ("LUC") for advertising that promotes the candidate's campaign for office. Lowest-unit-charge restrictions are in effect now or soon will be in the following jurisdictions.

JURISDICTION	ELECTION EVENT	DATE	LUC PERIOD
Alaska	State Primaries	Aug. 18	Jul. 4 - Aug. 18
Connecticut	State & Pres. Primaries	Aug. 11	Jun. 27 - Aug. 11
Delaware	State Primaries	Sep. 15	Aug. 1 - Sep. 15
Florida	State Primaries	Aug. 18	Jul. 4 - Aug. 18
Hawaii	State Primaries	Aug. 8	Jun. 24 - Aug. 8
Massachusetts	State Primaries	Sep. 1	Jul. 18 - Sep. 1
Minnesota	State Primaries	Aug. 11	Jun. 27 - Aug. 11
New Hampshire	State Primaries	Sep. 8	Jul. 25 - Sep. 8
Rhode Island	State Primaries	Sep. 8	Jul. 25 - Sep. 8
Vermont	State Primaries	Aug. 11	Jun. 27 - Aug. 11
Wyoming	State Primaries	Aug. 18	Jul. 4 - Aug. 18
United States	General Election	Nov. 3	Sep. 4 - Nov. 3

LUMP SUM ELECTIONS FOR REIMBURSEMENT OF RELOCATION EXPENSES FOR SATELLITE SPACE AND EARTH STATIONS IN 3.7-4.2 GHZ BAND DUE

AUGUST 31, 2020

MUST-CARRY AND RETRANSMISSION CONSENT ELECTIONS WHICH ELECT A CHANGE IN STATUS DUE

OCTOBER 1, 2020

FM Allotments Reinstated

The FCC's Media Bureau has issued an *Order* (DA 20-179) to reinstate a number of channels to the FM Table of Allotments because they have become vacant due to the expiration or cancellation of authorizations formerly occupying these channels. When a channel becomes vacant, it must be reinstated in the FM Table in order to be protected for spacing purposes and to preserve the opportunity to license a station in the future to the specified community. The following allotments are reinstated and will be available for future applications. An asterisk indicates that the channel has been reserved for noncommercial broadcasting.

Community	Channel
Avenal, California	269A
Coalinga, California	261B
Dos Palos, California	240A
Firebaugh, California	234A
Ford City, California	271A
King City, California	275A
Lindsay, California	277B1
Calhan, Colorado	284C3
Idalia, Colorado	231A
Asbury, Iowa	254A*
Hereford, Texas	278C2
Palacios, Texas	259C1
Charlotte Amalie, Virgin Islands	275A*

LPTV Digital Transition Deadline Is July 13, 2021

The FCC's Media Bureau has issued a *Public Notice* (DA 20-724) to remind the licensees of LPTV and television translator stations still operating in the analog mode that July 13, 2021 is the deadline for analog transmissions to cease. This is a hard deadline with no exceptions and no extensions, even if digital facilities have not been completed. If the installation of the digital facilities has not been completed, the station must go silent and may request a silent authority.

Stations that experience delays in completing their digital facilities may request one last extension of time for their digital construction permits for a maximum of 180 days. The deadline to submit such requests will be March 13, 2021. After that date, additional time may be requested only under the "tolling" rule. The FCC may toll the running of a construction permit if completion of timely construction is precluded by circumstances beyond the permittee's control.

New Notice Methods in Effect for Must-Carry/Retrans October 1 Election Deadline continued from page 1

station must post a copy of its must-carry/retransmission consent election statement in its online Public Inspection File. If an election has changed with respect to any MVPD for the upcoming carriage cycle, a statement of the change is to be posted as well. No further notice is required to be sent to the MVPD if there is no change in the elected carriage status from the previous carriage cycle (unless either the station or the MVPD is new to the market). If there is a change, a statement of the change is to be sent via email to the email address identified for carriage election notice submissions on the MVPD's website. A copy is also to be sent to ElectionNotices@FCC.gov.

A notice of a change of election must include the following information:

- Call sign;
- Community of license;
- Designated Market Area and location of the station;
- Specific change in status that is being made;
- Email address for carriage-related questions;
- Telephone number for carriage-related questions;
- Name of appropriate contact person; and
- Specific system(s) of the MVPD for which change is elected.

MVPDs must respond via email as soon as is reasonably possible to acknowledge receipt of a television station's election notice. That email response is to be sent to the email address designated on the station's online Public Inspection File for carriage-related correspondence.

Television stations that are not required to have Public Inspection Files (such as low power television stations) and are qualified for must-carry status must send their election notices via email to the email address on the MVPD's website designated for carriage-related correspondence. A copy is also to be sent to ElectionNotices@FCC.gov. With the recent adoption of the rules for electronic notice, these stations without a Public Inspection File are required to send an initial email notice to the MVPD by October 1, 2020, even if there is no change in the status elected. This notice will provide a baseline for going forward. For future carriage cycles, notices will only be required if there is a change in the election. MVPDs are required to respond to such notices with emails to the principal email contact identified in the station's records in the FCC's Licensing and Management System.

Cost Catalog Finalized for C-Band Relocation; Deadline for Lump Sum Elections Is August 31 continued from page 1

2018, and registered or licensed in the 3.7-4.2 GHz band.

- If the station was unregistered or unlicensed prior to April 19, 2018, its registration or license application must have been filed by November 7, 2018.
- If the station was registered or licensed before April 19, 2018, the owner must have (1) certified the accuracy of the registration/license information in the International Bureau Filing System by May 28, 2019; (2) filed a modification or update to the registration or license during a filing window from April 19 to November 7, 2018; or (3) filed a timely renewal application for the existing registration or license by May 28, 2019.

The *Public Notice* makes it clear that the International Bureau is strictly adhering to these criteria. The list of eligible stations includes several pending applications in red light status, meaning that the applicant owes debt to the FCC. To avoid being deleted from the list, a station's red light status must be resolved by September 2, 2020.

A complete list of eligible incumbent stations can be viewed on the FCC's website at <https://www.fcc.gov/document/ib-releases-incumbent-earth-station-list-37-42-ghz-band>.

The entire C-Band in Alaska, Hawaii, and outlying territories will continue to be allocated for the FSS. In these areas, the 3.7-4.0 GHz band will be shared by FSS and 5G operations. Incumbent FSS earth stations in these geographic areas are not included on the list published with the *Public Notice*. Nonetheless, operators of such stations may choose to relocate them and claim reimbursement for their expenses. However, they will not be eligible for lump sum payments.

The 300 megahertz of spectrum that has been reallocated to 5G services has been divided into 14 20-megahertz blocks (with a 20-megahertz guard band at the top). Licenses for these blocks will be sold in Auction 107 to 5G service providers. Bidding in Auction 107 is scheduled to begin on December 8, 2020. Some of these blocks are subject to an early clearing deadline in December 2021, meaning that FSS operations in those blocks will cease by that deadline.

The costs incurred by incumbent FSS operators to relocate will be reimbursed from the proceeds of Auction 107. The finalized cost catalog lists estimated costs likely to be incurred in the relocation process. Actual demonstrated reasonable costs that differ from or in addition to those listed in the catalog may be eligible for reimbursement as well. The catalog can be accessed at <https://www.fcc.gov/document/wtb-releases-final-c-band-cost-category-and-lump-sum-public-notice/attachment>.

In the alternative to claiming reimbursement for actual relocation costs incurred, earth station operators may elect to take a lump sum payment. Recipients of lump sum payments are not required to use those funds to relocate the station. They are free to engage other technical methods for the delivery of signals, or to discontinue service altogether. The amount of the lump sum will depend on the station's characteristics. To establish the lump sum payment figures, the FCC has calculated an estimated average relocation cost for each category of earth station. The lump sum amount for each category is shown in the following table.

Type of Earth Station	Lump Sum Payment
Receive-only single feed antenna	\$ 8,948
Receive-only multi-feed antenna	16,997
Small multi-beam (2-4 beams) antenna	42,062
Large multi-beam (5+ beams) antenna	51,840
Gateway bi-directional antenna	20,854
Temporary fixed antenna (such as mobile ENG truck)	3,060

To claim the one-time lump sum payment, the eligible earth station operator must file an election notice with the FCC by August 31, 2020. The notice must be filed electronically in IB Docket 20-205 and include the following information:

- Licensee/Registrant/Applicant Name;
- Earth station call sign;
- Site ID;
- Antenna ID;
- Number of antennas associated with the Antenna ID;
- Site address;
- GPS coordinates of the earth station;
- File number(s) of current authorization and/or pending application;
- Confirmation that the earth station meets the definition of incumbent and is listed in the International Bureau's final list of eligible earth stations;
- Category of lump sum election for each registered antenna at the registered earth station location;
- Whether the earth station is used by a multichannel video programming distributor;
- Total lump sum amount claimed for the earth station (calculated by the number of registered antennas at the station multiplied by the relevant lump sum amount); and
- Whether the incumbent earth station will transition to the upper 200 megahertz of the C-Band or will discontinue C-Band operations.

Each lump sum election must include the following certifications:

- That the information contained in the lump sum election is true and accurate;
- That all earth stations for which the lump sum is being elected will not have ceased operation more than 90 days prior to the lump sum election deadline;
- That if the incumbent earth station owner intends to continue to receive content from a satellite operator after the transition, it accepts responsibility for undertaking the necessary transition actions in accord with the timeline set forth in the satellite operator's Transition Plan;
- That the incumbent earth station owner agrees to coordinate with the relevant space station operator as necessary to complete the transition;
- An irrevocable release of claims for reimbursement for actual reasonable relocation costs from the Relocation Payment Clearinghouse, eligible satellite operators, or programmers; and
- An irrevocable release of claims against the payor and/or the FCC with respect to any dispute about the amount received.

Enforcement of Political File Rule Begets Numerous Consent Decrees continued from page 1

of candidates, a record of the free time provided shall be placed in the political file.

(c) All records required by this paragraph shall be placed in the online political file as soon as possible and shall be retained for a period of two years. As soon as possible means immediately absent unusual circumstances.

The broadcast license renewal application includes an item asking the applicant to certify that it has timely uploaded all required documents to the station's Public Inspection File. If the applicant cannot certify that it has done so, it must respond to the item in the negative and provide an explanation. All of these cases resulted from license renewal applications in which the applicants did not certify that they had complied with the requirement to timely upload required documents to the political file. When the Media Bureau staff encounters this situation in a renewal application, the processing of the application is suspended and an investigation of the rule violation is initiated.

All of these cases involve stations located in the areas of the country scheduled for radio license renewals during the current renewal cycle that began last year in the mid-Atlantic region and now includes jurisdictions ranging from the Southeast into the Midwest. Scores of renewal applications for stations in these regions featured admissions of noncompliance with the political file rule, including some of those owned by large group owner Cumulus (approximately 170 stations), many smaller group owners, and single-station licensees.

In these cases, the Media Bureau and the licensees agreed to consent decrees that are essentially identical. The Media Bureau stresses the importance of properly maintaining the political file during an election campaign season. The information about political programming is necessary for public transparency, and it is critically needed by candidates

and their campaigns. However, the Bureau also acknowledges that the COVID-19 pandemic has caused a dramatic reduction in advertising revenues which has placed the radio broadcasting industry under significant financial stress. The Bureau concludes in each case that the licensee's voluntary disclosures in the license renewal application, when combined with the exceptional circumstances caused by the pandemic, create a unique situation that warrants resolution of the investigation under the terms of the settlement.

Each consent decree includes provisions frequently seen in the settlement of investigations about rule violations. The licensee agrees to appoint a senior executive as a compliance officer who will oversee a plan for compliance with the rules in question – in these cases, the political file rule. The compliance plan is to include the development of a compliance manual, compliance training for staff members who have duties relevant to the rule in question, reporting noncompliance, and the submission of periodic compliance reports to the FCC. In these cases, each licensee is to file a compliance report by December 10, 2020, covering the 30-day period preceding the November 3, 2020, general election. A second compliance report is to be submitted by December 10, 2021, covering the six-month period preceding the general election on November 2, 2021.

The compliance plan will terminate 60 days after the filing of the second compliance report, provided that the Media Bureau is satisfied that the licensee has demonstrated substantial compliance with its political file obligations. If the Bureau is not satisfied with the licensee's pattern of compliance, it may extend the terms and requirements of the consent decree for up to an additional 24 months.

As of August 17, 2020, none of the consent decrees called for licensees to pay monetary penalties.

Restriction on Radio Program Duplication Eliminated continued from page 2

the potential for their stations to reach the greatest number of listeners with the greatest amount of unique programming. The Commission anticipates that broadcasters will likely use the ability to duplicate programming in an effort to preserve service on both AM and FM stations, to address issues of local concern in a timely fashion, to respond to crises, or to facilitate the transition of AM stations to digital operations. The

Commission concluded that the costs of continued regulation outweigh the benefits of the regulation; the potential for negative impact on public interest objectives will be minimal and will be outweighed by the public interest benefits.

The repeal of Section 73.3556 will become effective upon publication of a summary of this action in the Federal Register.

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