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AN UPDATE ON COMMUNICATIONS LAW & ISSUES
April 2023

'The Future of TV' Initiative To Address NextGen TV Challenges

In an address at the recent National Association of Broadcasters ("NAB") convention in Las Vegas, FCC Chairwoman Jessica Rosenworcel announced that the FCC is joining with the NAB in an initiative to guide the next steps in the transition to ATSC 3.0 television, also called NextGen TV. The purpose of this initiative, labeled as "The Future of TV," is to work to make that transition as smooth as possible for consumers and the industry.

An ATSC 3.0 service is currently available in approximately 60 percent of U.S. television markets. However, access by the public remains a substantial challenge. Reception of ATSC 3.0 service requires 3.0-compatible television receivers or reception devices, which are currently not in most households.

"The Future of TV" is described as a public-private effort that will include participating stakeholders from industry, government, consumers, and public interest advocates. Its mandate is to develop a roadmap for a successful transition that will provide an orderly shift from ATSC 1.0 to 3.0 and that will allow broadcasters to innovate while protecting consumers. Working groups are expected to focus on addressing backward compatibility and its impact on consumers; the final conditions needed to complete the national transition to ATSC 3.0; and consideration of the post-transition regulatory landscape.

Racial Discrimination Suit Dismissed

The U.S. District Court in Indianapolis has granted a motion for summary judgment against Circle City Broadcasting I, LLC, terminating its lawsuit against DISH Network, LLC, in which Circle City alleged that DISH had discriminated against it because of the race of its principal owner. The court ruled that the record of this proceeding did not include evidence of a material issue of fact that required resolution by a trial.

In 2019, Circle City purchased two television stations from Nexstar Broadcasting, Inc.—WISH-TV, Indianapolis,

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FCC Begins Process for Licensing New Class A TVs

The FCC has adopted a *Notice of Proposed Rulemaking* (FCC 23-23) in Docket 23-126 to begin the process of implementing the Low Power Protection Act ("LPPA"). This legislation authorized the Commission to accept and grant applications from certain eligible low power television stations to convert to Class A TV status. The principal advantage of Class A status is signal protection, which ordinary LPTV stations, as a secondary service, do not enjoy. The requirements for this application process and continuing eligibility are specified in the LPPA. The Commission seeks comment on its proposals for implementation of this statute.

The statute provides that the FCC may approve an application by an LPTV station seeking Class A designation if the station meets the following criteria:

- during the 90-day period preceding enactment of the LPPA (October 7, 2022, to January 5, 2023), the station satisfied the same requirements applicable to stations that qualified for Class A status under previous legislation;

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

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NAB Seeks Extension of Emergency Information Waiver

The National Association of Broadcasters ("NAB") has petitioned the FCC to extend for an additional two years the waiver currently in effect regarding compliance with the requirement in Section 79.2(b)(2)(ii) of the Commission's Rules for video programming providers to transmit an aural representation of visual, non-textual emergency information. The FCC's Media Bureau has released a *Public Notice* (DA 23-308) in Docket 12-107 inviting public comment on NAB's request.

The rule requires video programming providers to ensure that visual emergency information during non-newscast programming is made accessible to individuals who are blind or visually impaired by way of a secondary audio stream. If visual, but non-textual emergency information, such as maps or graphic displays, is shown during non-newscast programming, the aural description of this information is to accurately and effectively convey the critical details regarding the emergency and how to respond to it.

When this rule was adopted in 2013, the deadline for compliance was set for May 26, 2015. On the deadline, the Media Bureau granted a request from NAB for an 18-month waiver of the requirement as it pertained to non-textual visual information. The NAB explained that more time was needed to develop a reliable automated system to perform the conversion to aural content. Automated text-to-speech mechanisms then in existence could not be used to aurally describe graphics because they do not contain text files that can be converted to speech. This technical problem has persisted and the Media Bureau has granted additional waivers, the last of which expires on May 26, 2023.

In its petition, NAB states that, despite efforts to coordinate with entities potentially capable of developing a technical solution for compliance during the waiver period, a workable solution with existing technology has not yet been identified. NAB requests a two-year extension of the waiver to explore new potential technical solutions. These might include artificial intelligence-based systems, or the adoption of ATSC 3.0 in more markets. NAB observes that critical details of an emergency provided in a visual, non-textual graphic are usually duplicative of the information provided in accompanying textual crawls, which are already aurally described.

The Commission is soliciting public comment on NAB's request. The deadline for comments was April 24. Reply comments are due by May 1.

LPTV Rules Updated

In a *Report and Order* (FCC 23-25) in Docket 22-261, the FCC has revised and updated a variety of the regulations in Part 74 of its Rules concerning low power television and television translator stations (collectively, "LPTV").

The *Order* eliminates and/or updates many of the LPTV technical rules that were artifacts of the era of analog broadcasting. Now that the transition to digital broadcasting has been completed, the rules about and references to analog operations are obsolete. Other rule changes include the following:

Section 74.783 was amended to add another means by which LPTV stations can broadcast their station identification announcements. The station ID can be transmitted via the Program and System Information Protocol ("PSIP") as the "short channel name" on at least one program stream. This option is not available to translator stations.

To identify a station using the PSIP "short channel name," a station must request and use a transport system ID ("TSID"). Stations that have requested and been assigned a TSID must transmit it.

The Commission codified the Media Bureau's practice of requiring LPTV stations to select a virtual channel that avoids conflicts that could arise with a full power or Class A station's virtual channel in cases where there is contour overlap, or with virtual channels chosen by other nearby LPTV stations. LPTV stations are not required to comply with the virtual channel assignment methodology found in ATSC A/65C Annex B, which full power and Class A stations must do.

Section 74.751 previously stated that an LPTV station must file an application for a modification for any horizontal move in excess of 500 feet. The rule is amended to state that any change in location requires a modification construction permit application. Section 73.1690 permits full power stations to file license modification applications to correct erroneous antenna site coordinates up to three seconds of latitude or longitude without the need for a construction permit. To allow LPTV stations to make similar corrections easily, a similar provision was added to Section 74.751.

These amendments will become effective 30 days after publication of notice of this action in the Federal Register, except for provisions which contain new or modified information collection requirements. Those rules will be submitted to the Office of Management and Budget for review pursuant to the Paperwork Reduction Act. Upon approval, a future notice in the Federal Register will announce an effective date for them.

Copyright Office Addresses AI Creativity

The United States Copyright Office (the "Office") has issued a *Statement of Policy* (88 FR 16190) to provide copyright registration guidance for works produced partially or entirely by means of artificial intelligence ("AI"). The Office is the agency of the federal government tasked with administering the copyright registration system in the United States. About a half million applications for registration are received each year. Having administered the copyright registration process since 1870, the Office has developed substantial expertise regarding the distinction between copyrightable and noncopyrightable works.

A recently developing trend in the flow of registration applications is the use of sophisticated artificial intelligence technologies capable of producing expressive material. Typically, these technologies train on vast quantities of preexisting human-authored works and use inferences from that training to generate new content. Some systems operate in response to a human user's prompt. The generated output may be textual, visual, or audio. The use of these technologies raises questions about whether the material they produce can be protected by copyright.

The Office cited a leading Supreme Court decision in its Statement for the principle that only a human being can produce a copyrightable work. The Court said that the Constitution's Copyright Clause permits works to be subject to copyright, "so far as they are representatives of original intellectual conceptions of the author." The Court defined "author" as "he to whom anything owes its origin; originator; maker; one who completes a work of science or literature."

Further, a copyright is "the exclusive right of a man to the production of his own genius or intellect." Consistent with this ruling was a decision of the Ninth Circuit Court of Appeals holding that a book containing words "authored by non-human spiritual beings" can only qualify for copyright protection if there is "human selection and arrangement of the revelations." In another case, it ruled that a monkey cannot register a copyright.

In reviewing a work submitted for registration with AI components, the copyright examiner begins by asking whether the work is basically one of human authorship with the computer merely being an assisting instrument, or whether the traditional elements of authorship in the work were actually conceived and executed by a machine. In the case of AI-generated material, the Office will consider whether the AI contributions are the result of mechanical reproduction, or of an author's own original mental conception to which the author gave form. The answer will depend on the circumstances of how the AI tool functions and how it was used to create the final work. Not all technologies that are described as AI work the same way for purposes of copyright law. For that reason, this analysis is on a case-by-case basis. When an AI technology determines the expressive elements of its output, the generated material is not the product of human authorship. As a result, that material is not protected by copyright and must be disclaimed in a registration application.

The Office offered this guidance for registration applicants. Individuals who use AI technology in creating a work may claim copyright protection for their own contributions to the work. They must use the standard application in which they are to identify the author(s) and describe the content that was contributed by a human. Content contributed by AI should be explicitly identified. Applicants should not list an AI technology or the company that provided it as an author or co-author. AI-generated content that is more than *de minimis* should be explicitly excluded from the application.

The *Statement of Policy* is a portion of a broad initiative by the Copyright Office to examine copyright law and policy issues raised by AI. There are plans later this year to issue a notice of inquiry soliciting public comments on a wide range of copyright issues arising from the use of AI.

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New DTS Rules Effective May 18

The FCC's Media Bureau has released a *Public Notice* (DA 23-332) announcing that new rules governing distributed transmission systems ("DTS") for Class A TV and LPTV stations will become effective on May 18, 2023. These rules were adopted in January 2021, in a *Report and Order* (FCC 21-21) in Docket 20-74. Application forms associated with these rules had to be approved by the Office of Management and Budget. Public notice of that approval action was published in the Federal Register on April 18, to be followed 30 days later by the May 18 effective date.

DTS facilities are used by television stations to enhance service within their coverage areas. Similar to translator stations, DTS transmitters operate within the coverage of the parent station to provide service in areas where the parent station's signal is weak or obstructed. Unlike translators, DTS transmitters operate on the same channel as the parent station. These revisions are intended to clarify an ambiguity in the rules about the amount of the DTS signal that can exceed, or "spillover," the edge of the parent's service area.

The FCC has defined the maximum authorized service area of a full power station's DTS facilities to be an area comparable to that which the station could be authorized to serve with a single transmitter. To accomplish this, the Commission established a Table of Distances, which it derived from the hypothetical maximum service area for which a full power station could apply. The maximum service area defined in the Table of Distances is centered on the parent station's transmitter site. A DTS transmitter must be located within either the reference station's Table of Distances area, or the reference station's authorized service area. The DTS transmitter's noise-limited service contour

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DEADLINES TO WATCH

License Renewal, FCC Reports & Public Inspection Files

April 1 — Deadline to place EEO Public File Report in Public Inspection File and on station's website for all nonexempt radio and television stations in **Delaware, Indiana, Kentucky, Pennsylvania, Tennessee,** and **Texas.**

April 3 — Deadline to file license renewal applications for television stations in **Delaware** and **Pennsylvania.**

April 3 — Deadline for all broadcast licensees and permittees of stations in **Delaware, Indiana, Kentucky, Pennsylvania, Tennessee,** and **Texas** to file an annual report on any 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).

April — Television stations in **Delaware** and **Pennsylvania** begin broadcasting post-filing announcements within five business days of acceptance for filing of their license renewal application and continuing for four weeks.

April 10 — Deadline to place quarterly Issues and Programs List in Public Inspection File for all full service radio and television stations and Class A TV stations.

April 10 — Deadline for noncommercial stations to place quarterly report regarding third-party fundraising in Public Inspection File.

April 10 — Deadline for Class A TV stations to place certification of continuing eligibility for Class A status in Public Inspection File.

June 1 — Deadline to place EEO Public File Report in Public Inspection File and on station's website for all nonexempt radio and television stations in **Arizona, the District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia,** and **West Virginia.**

June 1 — Deadline for all broadcast licensees and permittees of stations in **Arizona, the District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia,** and **West Virginia** to file an annual report on any 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).

Deadlines for Comments in FCC and Other Proceedings

DOCKET	COMMENTS	REPLY COMMENTS
(All proceedings are before the FCC unless otherwise noted.)		
Docket 11-43; FNPRM (FCC 23-20) Audio description of video programming	Apr. 28	May 15
Docket 12-107; Public Notice (DA 23-308) Emergency information requirements		May 1
Docket 23-126; NPRM (FCC 23-23) Implementation of Low Power Protection Act	May 15	June 13

Proposed Amendments to the FM Table of Allotments

The FCC is considering requests to amend the FM Table of Allotments by modifying channels for the communities identified below. The deadlines for submitting comments and reply comments are shown.

COMMUNITY	PRESENT CHANNEL	PROPOSED CHANNEL	COMMENTS	REPLY COMMENTS
Fort Mohave, AZ	280A	280C2	May 1	May 16
Peach Springs, AZ	280A	278A	May 1	May 16
Tecopa, CA	288A	256A	May 5	May 22

Racial Discrimination Suit Dismissed *continued from page 1*

and WNDY-TV, Marion, Indiana. Under Nexstar's ownership, the stations were carried on the DISH satellite service pursuant to a retransmission consent agreement. DISH terminated that agreement upon the sale of the stations to Circle City. DISH's Programming Vice President, Melisa Boddie, thereafter initiated negotiations for a new contract with Circle City's president DuJuan McCoy, who is African American. In those negotiations, Boddie was unwilling to agree to retransmission compensation for the two stations at rates comparable to those DISH had paid Nexstar when it owned them. According to the court's narration of events, Boddie explained that Nexstar had a stronger negotiating position and was able to negotiate higher rates because it owned many highly-rated stations across the country and could bargain for them as a package. Boddie also expressed concern about the fact that one of the Circle City stations was streaming its news programming for free on the internet, and she noted that the station would be losing its right to broadcast Chicago Cubs games at the end of the season.

After several months of unsuccessful discussions, Circle City sued DISH in March 2020. Circle City claimed that DISH violated Circle City's civil rights in their contract negotiations. Circle City alleged that DISH's refusal to offer Circle City anything comparable to the rates that DISH had paid Nexstar was based on McCoy's race. DISH moved for summary judgment on this claim. In a ruling on a motion for summary judgment, the court reviews the record in the light most favorable to the non-moving party and draws all reasonable inferences in that party's favor. The moving party bears the burden of showing the absence of genuine issues of material fact. If the moving party carries its burden, the burden shifts to the non-moving party to present specific facts showing that there is a genuine issue for trial. Inferences that are supported by only speculation or conjecture will not defeat a request for summary judgment.

DISH first claimed that Circle City was not entitled to sue for racial discrimination because it is not a member of a racial minority. As a basis for its suit, Circle City had relied on Section 1981 of Title 42 of the United States Code, which states that "all persons . . . shall have the same right in every State and Territory to make and enforce contracts . . . as is enjoyed by white citizens."

An element of the prima facie case that a plaintiff in a racial discrimination suit must show is that he is a member of a racial minority. DISH argued that neither the Seventh Circuit (in whose territory this case was being litigated) nor the Supreme Court has specifically allowed a business entity to proceed on a claim of racial discrimination when the entity is controlled by other entities and governed by a board of directors consisting mostly of white people. The record indicated that Circle City is owned by two entities: (1) Circle City Broadcasting, LLC, owned entirely by McCoy, owning approximately 77 percent of the company; and (2) Alta Circ TV, LLC, owning the remaining 23 percent and which is owned by six white men. Furthermore, Circle City Broadcasting, LLC, is governed by a three-member board of directors – McCoy and two white individuals. On these facts, DISH asserted that Circle City should not be allowed to claim it was the victim of racial discrimination.

The court relied on decisions from other circuits where business entities with minority ownership of less than 100 percent were permitted to assert claims of racial discrimination and rejected DISH's argument on this point.

DISH next contended that Circle City had failed to establish that racial prejudice was the reason that DISH refused to contract with Circle City. In the context of a discrimination claim under Section 1981, a plaintiff must prove that, but for race, it would not have suffered the loss of a legally protected right. DISH asserted that not offering Circle City the rates it had offered Nexstar did not constitute a refusal to transact that blocked the creation of a contract. DISH pointed out that Circle City had subsequently contracted for retransmission consent fees with two cable companies for rates lower than the rates it had sought from DISH. DISH argued that the "but for" cause was not race, but rather Boddie's legitimate business judgment.

Circle City had alleged that Nexstar and it were similarly situated companies and that the only meaningful distinction between them was that one was minority-owned and the other was not. DISH countered this argument by noting distinctions between Nexstar and Circle City, the most important of which was that Nexstar owned a large portfolio of television stations, including more Big-4 network affiliates than any other company, while Circle City owned only two stations.

DISH observed that Circle City had failed to provide any direct evidence of overt racial basis or prejudice on the part of DISH's sole decision maker in this matter – Boddie. Circle City argued that "market rates" should guide the outcome. It contended that both the rates it negotiated with cable companies and the rate that DISH had paid Nexstar are relevant in determining the appropriate "market rate." Circle City stated that the highest rate offered by Boddie was "egregiously low" when compared to the two other rates. Although DISH asserts that this disparity was not caused by race, Circle City claims that it has "earned the right to tell its story to a jury."

The court found that there was no evidence in the record to support the claim that racial discrimination caused DISH or Boddie to discriminate against Circle City, or to create a triable issue of fact. The court said that it is undisputed that there is no evidence of racial discrimination. The court opined that merely providing speculative and conclusory beliefs about Boddie's business decisions is not evidence of pretext.

The court also found that, despite Circle City's arguments to the contrary, there is enough evidence in

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Racial Discrimination Suit Dismissed *continued from page 5*

the record to show that Nexstar and Circle City are not similarly situated companies. The court quoted precedent stating "[A] court may properly grant summary judgment where it is clear that no reasonable jury could find that the similarly situated requirement has been met."

The court concluded that "there is simply no evidence that race was the 'but for' cause that prevented DISH from entering into a contract with Circle City." The motion for summary judgment was granted and Circle City's suit was dismissed. News reports indicate that Circle City has appealed this decision.

The decision is *Circle City Broadcasting, I LLC v. Dish Network, LLC*, 2023 U.S. Dist. LEXIS 56120; 2023 WL 2742323.

New DTS Rules Effective May 18 *continued from page 3*

must also be contained within the same parameters, except that where an extension of coverage beyond the reference station's authorized service area is of a "minimal amount" and necessary to ensure that the combined coverage of all of the associated DTS transmitters covers all of the reference station's authorized service area. The Commission determined that the imprecision of this minimal spillover concept gives rise to unnecessary regulatory confusion.

To remedy the problems associated with the "minimal amount" of spillover test, the FCC adopted a specific bright-line limit for the spillover of the DTS signal. For **UHF** stations, the DTS 41 dBu F(50,50) contour must not exceed the reference station's 41 dBu F(50,50) contour. For **Low VHF** stations, the DTS 28 dBu F(50,50) contour must not exceed the reference station's 28 dBu F(50,50) contour. For **High VHF** stations, the DTS 36 dBu F(50,50) contour must not exceed the reference station's 36 dBu F(50,50) contour. The Commission believes that relaxing and clarifying the amount of DTS spillover permitted at the fringe of a full power station's authorized service area will improve the station's ability to provide a stronger and more uniform signal to viewers located at the edges of the service area and behind terrain obstacles, while still adequately protecting other users of the spectrum.

Until this rule amendment, Class A and LPTV stations had been permitted to deploy DTS only by applying for an experimental authorization. Now Class A and LPTV stations, like full power stations, can apply for and deploy DTS facilities that comply with the contour-based limit for spillover adopted in this proceeding. The DTS transmitter must be located within the parent station's authorized F(50,90) contour. Further, the DTS transmitter's F(50,50) contour must be contained within the parent station's F(50,50) contour.

Both ATSC 1.0 and ATSC 3.0 stations can deploy DTS and benefit from this relaxation in the rules. However, the Commission expects that this enhancement of DTS will be especially useful for ATSC 3.0 stations to help them provide improved audio and video, mobile viewing capabilities, geo-targeting, and advanced data services to a larger number of consumers.

Copyright Office Addresses AI Creativity *continued from page 3*

In the coming weeks, the Copyright Office will host public listening sessions with artists, creative industries, AI developers and researchers, and lawyers working on these issues. These roundtable-format listening sessions will provide an opportunity for participants to discuss their goals and concerns related to the use and impact of generative AI in creative fields.

Interested parties can register for the public listening sessions using the links below:

Visual Arts on Tuesday, May 2, from 1:00 p.m. to 4:00 p.m. Eastern Time
https://loc.zoomgov.com/webinar/register/WN_S6UdFQFkSkSAu9srYD1g1A

Audiovisual Works on Wednesday, May 17, from 1:00 p.m. to 4:00 p.m. Eastern Time
https://loc.zoomgov.com/webinar/register/WN_pMkXlsRzR7e2cb_ze-nIRg

Music and Sound Recordings on Wednesday, May 31, from 1:00 p.m. to 4:00 p.m. Eastern Time
https://loc.zoomgov.com/webinar/register/WN_CzZKeLCPQBWmPbmEuJCWSw

Following the listening sessions, the Office plans to continue engaging with the public through informational webinars during the summer. A new webpage has also been launched for announcements, events, and resources related to AI and copyright at copyright.gov/ai.

FCC Begins Process for More Class A TVs *continued from page 1*

- the station satisfies the requirements of Section 73.6001(b)-(d) of the FCC's Rules (broadcasting at least 18 hours per day and at least three hours of locally produced programming per week);
- the station demonstrates that it will not cause interference;
- during the same 90-day period, the station complied with the FCC's requirements for LPTV stations; and
- as of January 5, 2023, the station operated in a Designated Market Area ("DMA") with not more than 95,000 television households.

The LPPA provides for a one-year filing window for these applications, commencing with the effective date of the rules when adopted by the FCC. The Commission tentatively concludes that the application window should be limited to one year, but proposes to make allowances on a case-by-case basis if a potential applicant faces circumstances beyond its control that prevent it from filing by the application deadline. To avoid complications and confusion, the Commission proposes to restrict applicants for Class A status from simultaneously pursuing applications to modify their facilities. A licensed LPTV station holding a construction permit to modify its facilities would need to either license the LPTV facilities authorized in the permit before applying for Class A status, or apply for modification of its Class A status after the filing window.

The Commission tentatively concluded that the opportunity to seek Class A status will be limited to LPTV stations, and will not include TV translator stations. To be eligible for Class A status, a station must air locally produced programming. Translator stations do not produce or originate programming.

The Commission proposes to codify in its rules the LPPA eligibility criteria, including that the station must have operated so as to be eligible for Class A designation as of October 7, 2022, the date 90 days prior to enactment of the LPPA. These criteria include broadcasting at least 18 hours per day, and airing at least three hours per week of locally produced programming. Programming is considered locally produced if it is produced within the station's noise-limited contour or within the contiguous predicted noise-limited contour of a Class A station in a commonly owned group.

The Commission tentatively concluded that an applicant should be required to certify in the application that it has met the operating and programming eligibility requirements, and to attach documentation to support that certification. The Commission asks whether it should require specific documents to support the certification, or whether it should provide a list of examples of documents that would be satisfactory. Supporting documentation might include electric bills, program guides, EAS logs, agreements to purchase programming, and/or identification of the circumstances surrounding the production of local programming.

The Commission proposes to allow deviations from the LPPA's strict eligibility criteria only where they are insignificant or where there are compelling circumstances such as a natural disaster or interference conflict that forced the station off the air.

The LPPA specifies that the Class A applicant must have operated as of January 5, 2023, in a DMA with not more than 95,000 television households. The law defines "DMA" to mean a designated market area determined (1) by Nielsen Media Research (or a successor entity), or (2) under a system for designating local television markets that the Commission determines is equivalent to the system established by Nielsen. The Commission seeks comment on the meaning of the term "operate" in the statute. It could mean that the station's transmission facilities must be located in the DMA. In the alternative, it could mean that some portion of the station's protected contour reaches into a DMA. The Commission tentatively concluded that the statute intends for the station's transmission facilities to be located within the DMA.

The LPTV Broadcasters' Association has proposed that instead of Nielsen DMAs, the Commission use, for purposes of the LPPA, the Office of Management and Budget's Metropolitan Statistical Areas ("MSAs") and Rural Service Areas. An MSA is a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with the core. The Commission observed that these classifications are based on population and appear to have nothing to do with market assignment information or determining television broadcast station markets. The Commission seeks comment on this alternative system for delineating DMAs and/or any other such system.

In order to maintain Class A status once achieved, the FCC proposes to require a station to continuously and permanently comply with the eligibility criteria during the entire license term. This includes continuing to operate in a DMA with not more than 95,000 television households. If a DMA grows or is reconfigured during the license term so that it comes to have more than 95,000 households at license renewal time, the station would not be eligible to renew its Class A designation.

The FCC is seeking public comment on all of these and other proposals for implementing the LPPA. Comments must be submitted by May 15. The deadline for reply comments is June 13.

DEADLINES TO WATCH

Paperwork Reduction Act Proceedings

The FCC is required by the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications, and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
DTV ancillary/supplemental services report, Form 2100, Schedule G	May 12
Transition progress report, Form 2100, Schedule 387	May 12
Broadcast auction form exhibits	May 12
Broadcast Station Annual Employment Report, Form 395B	May 18
Application for permit to deliver programs to foreign broadcast station, Sections 73.3545, 73.3580, Form 308	June 5
International broadcast station application forms, Forms IBFS-309, IBFS-310, IBFS-311, and 496	June 12
CORES registration form, Form 160	June 12
Broadcast license renewal application, Form 2100, Schedule 303-S	June 20
Assignment and transfer-of-control application form for low power TV, TV translator, FM translator stations, Form 2100, Schedule 345	June 20