



The

Broadcasters' Desktop Resource

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... edited by Barry Mishkind – the Eclectic Engineer

Focus on Regulation

Preparing for FCC License Renewal



By Brendan Holland

[March 2011] It has been seven years since radio stations had to renew their licenses. In that time, a few of the procedures have changed, a few questions altered. Brendan Holland offers some guidance on how to make it through the renewal cycle as easily as possible.

2011 marks the start of the license renewal cycle for broadcast radio stations and now is the time for broadcasters to prepare. The first group of radio stations will file their license renewal applications on June 1, 2011, with the remaining states following at two month intervals according to the Commission's staggered deadlines. TV station license renewals follow, on a schedule one year behind radio.

FIRST UP

At its simplest, the license renewal application allows the FCC and the Public to review a station's conduct during the previous license term and to assess the licensee's continuing qualifications to remain an FCC licensee. The crux of the license renewal inquiry is whether the station has complied with the Commission's laws and served the public interest during the previous license term.

Radio stations licensed to communities in Maryland, Virginia, Washington, DC, and West Virginia are the first to go through the process. These stations are supposed to begin airing what are called "pre-filing announcements" on Friday, April 1st.

A full schedule of the radio renewal filing deadlines is available [here](#) (sorted by date) and [here](#) (sorted by state).

DO NOT BE LATE

In order to continue broadcasting legally, each station must prepare and file a timely license renewal application with the FCC. That seems pretty straightforward.

It means that broadcasters should review their licenses in advance to confirm the renewal deadline for each and every station – especially in those places where station groups straddle state lines and may have stations of FM translators licensed to communities in an adjacent state with a different license renewal deadline.

Given that licensees face forfeitures and the possible cancellation of their license if they miss the renewal filing deadline, the importance of filing a license renewal application in a timely manner cannot be overstated. Still, during the last renewal cycle, a surprising number of stations simply missed the filing deadline altogether.

The Commission is not amused. The recent spate of fines issued by the Enforcement Bureau indicate the FCC has gotten serious about cracking down on stations that fail to file on time.

COVER ALL THE BASES

Broadcasters need to review all aspects of their operations and prepare for the license renewal process in advance, approaching it with the seriousness it demands.

During the renewal process the FCC invites the public, competitors, public interest groups, and the government to sift through all aspects of the station's operations during the past eight years. At various times in the past, particular public interest groups have been active in challenging broadcast renewal applications.

With the numerous issues facing the broadcast industry at the current time, and controversies over issues like the performance royalty, spectrum reallocation, retransmission consent, and Low Power FM, there may well be parties at odds with the broadcast industry in general who would take out their dispute on specific broadcasters' renewal applications. This provides yet another reason to prepare carefully for the upcoming renewal cycle.

Apart from the license renewal application itself, the FCC's Rules contain a number of related requirements. These include:

- the airing of pre- and post-filing announcements on the station telling their listeners about the filing of the renewals.
- filing an EEO Program Report in conjunction with the license renewal application to demonstrate compliance with the EEO rules.

Based on the Renewal Form (303-S) and all related documents filed by the licensee, as well as any comments, petitions, or objections raised by interested parties, the FCC will then decide whether or not an extension of the license is warranted.

PRE-FILING ANNOUNCEMENTS

The official part of the renewal process starts for stations with the pre-filing announcements that are required to be aired over the station in advance of the submission of the license renewal application. Consistent with the Commission's Rules, the pre-filing announcements must be done *on the 1st and 16th of the two calendar months* preceding the filing of the application.

So, for example, for the first group of radio stations in Maryland, Virginia, Washington, DC, and West Virginia – due to file their FCC Form 303-S license renewal application on June 1, 2011 – those stations

must begin airing pre-filing announcements on **April 1, 2011, and continue on April 16, May 1, and May 16**, for a total of four pre-filing announcements.

PFA TEXT

The precise language of the pre-filing announcements — which is dictated by the FCC's Rules — can be found [here](#). The announcements should be aired in the primary language used on the station, so if the station broadcasts primarily in a foreign language, the announcements should be broadcast in that language.

These pre-filing announcements give local notice to the community:

- that the station will be filing a license renewal application with the Commission.
- information regarding about the station's renewal filing.
- an invitation to visit the station and view the Public Inspection File.
- inform listeners that they can advise the FCC of facts relating to either the renewal application or the station's operation during the previous license term.

For commercial radio stations, at least two of these required pre-filing announcements must air on the station between 7 AM and 9 AM or between 4 PM and 6 PM local time. If the station does not operate between 7 AM and 9 AM or between 4 PM and 6 PM, then at least two of the required announcements must be made during the first two hours of broadcast operations.

For noncommercial educational stations, the timing of the announcements is the same as for commercial stations, except that such stations need not broadcast the announcements during any month during which the station does not operate.

Now that we have taken care of the Pre-Filing Announcement, it is time to review station operations and paperwork in preparation for the renewal form filing. That is [our next topic](#).

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