



The

Broadcasters' Desktop Resource

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Focus on Regulation

The FCC Reopens – Important Information

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As you probably know, the FCC will resume normal business operations on Monday, January 28, 2019. Since the FCC suspended most operations on January 3, 2019 the length of the federal government shutdown affected various broadcast station regulatory compliance obligations. It is important that you take certain steps now to protect the integrity of your FCC license and your status as a compliant FCC licensee.

Quarterly Reporting Deadlines

A number of reporting deadlines occurred during the suspension of FCC operations, including the January 10, 2019 deadline for radio & TV broadcasters to place their quarterly issues-programs lists in their online public inspection files and for television stations to file their KidVid reports and their quarterly post-incentive auction transition updates. Here is some specific guidance:

All Full Power Radio and TV stations (including Class A TV stations)

The 4th Quarter 2018 Issues-Programs Lists: The online public inspection file system was not accessible during the government shutdown. If you did not upload your 4th Quarter 2018 Issues-Programs List prior to January 3, 2019 the FCC expects you to do that within two (2) days of the conclusion of the federal shutdown.

The two day directive from the FCC is ridiculously unreasonable in light of the fact that thousands of people will be attempting to access the FCC's website in the days following the resumption of FCC business. The FCC's website will be overloaded and, at times, inaccessible. So we urge you to keep notes on the dates & times that you attempted to access the FCC's website in order to prove your diligence should that ever become an issue.

Also, your 4th Quarter 2018 Issues-Programs List should contain a notation on the document of the date of preparation and that it was not uploaded to the stations online public inspection file prior to January 10, 2019 due to the government shutdown. It is important to include this notation so that months later the FCC does not fault you for not posting this list by its normal due date.

Political File: The federal shutdown prohibited broadcasters to upload new materials to their online political files. The FCC previously has instructed that under such circumstances each licensee nonetheless is obligated to make its political file available during normal business hours at an accessible location in its community of license. Nonetheless, you should post a note in your online public

inspection file to indicate that certain political file material was not posted during the federal shutdown but was posted as soon as possible once the FCC resumed operations.

Annual EEO Public File Reports/Mid-Term EEO Reports February 1, 2019: Radio and TV broadcasters located in the areas noted below must be reminded of the following deadlines.

Annual public file reports: All radio and TV stations in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, and Oklahoma with 5 or more fulltime employees must prepare their annual EEO public file report and then post that report in the EEO folder of your stations FCC online public inspection file. (Please remember that the FCC defines fulltime as 30 or more hours per week.)

Mid-term EEO Reports: Television station employment units in New York and New Jersey with 5 or more fulltime employees must also file the FCC Form 397 Mid-Term EEO Report. This report is available for filing in the FCCs CDBS system. There are no radio mid-term EEO reports due at this time.

Full-Power and Class A TV stations

Childrens Television Reports January 10, 2019 Deadline: During the federal shutdown the Form 398 Childrens Television Programming Report was still available to file in the FCCs system, so stations should have filed them by January 10, 2019 If you failed to do that, please file immediately.

Childrens Programming Commercial Limits Certifications January 10, 2019 Deadline: Because the FCCs online public inspection file site was not available during the federal shutdown you should now download your commercial limits certifications as soon as possible and include a notation that the document could not be filed by the normal due date because of the federal shutdown.

Class A Television Continuing Eligibility Certificate January 10, 2019 Deadline: if your normal practice has you preparing a Class A continuing eligibility certificate each quarter, now is the time to post that certification in your online public inspection file and include a notation that the document could not be filed by the normal due date because of the federal shutdown.

Repacking Full-Power and Class A TV stations

Transition Progress Reports January 10, 2019 Deadline: All quarterly and benchmark post-Incentive Auction transition progress report were due on their regular schedules and should have been timely filed online via the FCCs LMS system on Form 2100, Schedule 387. If you were required to do this and have not already completed the filing, you need to do this immediately.

Form 399 (Reimbursement Requests): The Form 399 was also available during the federal shutdown and should have been updated as appropriate.

Transactional Deadlines

Every assignment of license or transfer of control application that was pending on January 3, 2019, or was filed during the federal shutdown, has essentially been put on hold. The FCC will now resume the processing of these applications but all normal processing schedules will be off the table for the foreseeable future as the FCC staff attempts to catch up for lost time.

Please call us about your particular situation if you would like our assessment of your application.

Facilities Modifications

Every facilities modification application that was pending on January 3, 2019, or was filed during the federal shutdown, has essentially been put on hold. The FCC will now resume the processing of these applications but all normal processing schedules will be off the table for the foreseeable future as the FCC staff attempts to catch up for lost time.

Please call us about your particular situation if you would like our assessment of your application.



As always, we will keep you updated regarding any changes. Please contact us if you have any questions about your filing obligations.

Founder and managing member of Tepper Law Firm, LLC, Cary Tepper has had, since 1985, an extensive telecommunications law practice representing several hundred radio and TV stations with regard to broadcast regulation, business negotiations, acquisitions and mergers, facility modifications, radio spectrum allocations, and administrative hearing litigation.

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Return to The BDR Menu