



PUBLIC NOTICE

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INCENTIVE AUCTION TASK FORCE AND MEDIA BUREAU ANNOUNCE THE OPENING OF THE SECOND FILING WINDOW FOR ELIGIBLE FULL POWER AND CLASS A TELEVISION STATION—OCTOBER 3 THROUGH NOVEMBER 2, 2017

MB Docket No. 16-306
GN Docket No. 12-268

1. Upon conclusion of the incentive auction (Auction 1000), the Commission initiated a transition period during which the facilities of broadcast television stations that received new channel assignments in the post-incentive auction repacking process will be reauthorized and relicensed.¹ As directed by the Commission, this transition period includes two filing windows for eligible full power and Class A stations to file for alternate channels and expanded facilities.² The first priority filing window closed on Friday, September 15, 2017.³ This Public Notice announces that the second filing window will open on Tuesday, October 3, 2017 and close at 11:59 pm EDT on Thursday, November 2, 2017. Procedures and requirements for the second filing window have been described in detail previously and are summarized herein.⁴

2. **Eligibility, Application Requirements, and Processing.** During the second filing window, any reassigned station or band changing station may file an amendment to its initial construction permit application, if still pending, or a modification to its construction permit, if granted, to seek an alternate channel or expanded facilities from that specified in the *Closing and Channel Reassignment Public Notice*. Applications for expanded facilities are limited to those that qualify as a minor change under the Commission's rules.⁵ Applications for alternate channels are major change applications and are subject to the local public notice requirements in the Commission's rules, including a 30-day period for

¹ See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (2017) (*Closing and Channel Reassignment Public Notice*).

² See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 29 FCC Rcd 6567, 6795, para. 556 (2014) (subsequent citations omitted) (*Incentive Auction R&O*); *id.* at 6794, paras. 554-55.

³ *Incentive Auction Task Force and Media Bureau Announce the Opening of the First Priority Filing Window for Eligible Full Power and Class A Television Stations from August 9 Through September 8, 2017*, Public Notice, 32 FCC Rcd 5785 (IATF/MB 2017); *Incentive Auction Task Force and Media Bureau Extend the Filing Deadline for the First Priority Filing Window for Eligible Full Power and Class A Television Stations- Revised Filing Deadline: September 15, 2017*, Public Notice, DA 17-849 (IATF/MB Sept. 6, 2017).

⁴ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2809-10, paras. 70-71; *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 866-67, paras. 27-28, 869-70, paras. 35-38 (IATF/MB 2017) (*Broadcast Transition Procedures Public Notice*).

⁵ *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 867, para. 28; 47 CFR §§ 73.3700(b)(vii)(2)(ii), 73.3572(a)(1)-(3), 74.787(b).

the filing of petitions to deny.⁶ Band changing stations may not apply for alternate channels outside of their post-auction band.⁷

3. Applicants in the second filing window must protect the facilities proposed in the first priority filing window, whether those stations' applications have been granted or remain pending. Applicants in the second window must also protect the construction permit facilities of reassigned stations and band changing stations filed in the initial 90-day filing window, whether those stations' applications have been granted or remain pending.⁸ In addition, all applications must protect the facilities specified in applications filed before the April 2013 freeze with "cut-off" protection.⁹ Applications filed by Class A stations must also demonstrate that the proposal would not cause interference to a low power television or television translator facility previously authorized or proposed.¹⁰ The facilities proposed in applications filed during the second filing window will be entitled to interference protection from subsequently filed applications and amendments thereto.¹¹

4. **Cut-Off Protection and Mutually Exclusive Applications.** Applications filed during the second filing window will be treated as filed on the last day of the window for purposes of determining mutual exclusivity. Stations filing applications during the second filing window that are determined to be mutually exclusive with another application filed in the same window will be notified and will be given a 90-day period to resolve their mutual exclusivity by proposing a technical solution or settlement¹² in an amendment to their pending applications.¹³

5. **Incomplete or Defective Applications.** A station that files an application during the second filing window that is incomplete or defective will be contacted and afforded an opportunity to submit an amendment via LMS to cure any defects. Failure to correct any defect will result in dismissal of the application.¹⁴

6. **Reminder Regarding Reimbursement.** Additional costs incurred in constructing alternate channels or expanded facilities are not reimbursable under the TV Broadcaster Relocation Fund and must be paid by the station.¹⁵ Accordingly, a station that files an application during the second filing window may not revise its relocation cost estimates on FCC Form 2100, Schedule 399 (Reimbursement Form) to account for additional or increased expenses associated with an alternate channel or expanded facilities.

⁶ 47 CFR §§ 73.3580, 73.3700(b)(vii)(2)(i); *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 867, para. 29.

⁷ *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 867, para. 29 & n.48; 47 CFR § 73.3700(b)(2)(i)(A)-(C).

⁸ The deadline for applications for construction permits consistent with the requirements of the *Closing and Channel Reassignment Public Notice* was July 12, 2017. See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2809, para. 70.

⁹ See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 869, para. 35; *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013).

¹⁰ 47 U.S.C. § 336(f)(7)(B).

¹¹ *Incentive Auction R&O*, 29 FCC Rcd at 6794 n.1573.

¹² Any proposed settlement will be subject to the rules and limits on agreements for removing application conflicts. See 47 U.S.C. § 311(c); 47 CFR § 73.3525.

¹³ See 47 CFR § 73.623(h)(3).

¹⁴ See 47 CFR §§ 73.3566, 73.3568.

¹⁵ *Incentive Auction R&O*, 29 FCC Rcd at 6794, para. 555 n.1576.

7. **Additional Information.** For additional information, contact Joyce Bernstein, Joyce.Bernstein@fcc.gov, (202) 418-1647, or Kevin Harding, Kevin.Harding@fcc.gov, (202) 418-7077. Press contact: Charles Meisch, Charles.Meisch@fcc.gov.

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