



# Virginia Association of Broadcasters Legal Review



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## Legal Memorandum

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[Bill Introduced for Cameras in U.S. Supreme Court](#)

*Deadlines:* [January 31: 1099-MISC Deadline for Contest Winners of \\$600 or More](#)

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### FCC Imposes Freeze on the Filing of Low Power TV and TV Translator Digital Companion Channel Applications

By [Public Notice](#) dated January 19, 2017, the FCC has imposed an immediate freeze on the filing of applications for digital companion channels for low power television and TV translator stations (collectively, “LPTV Stations”). (The filing of applications for *new* digital LPTV and TV translator stations was frozen in 2010 and remains frozen.)

As we have previously reported, the FCC will open a special displacement window after the incentive auction for “operating” LPTV Stations to apply for a new, vacant channel. (Details on the special displacement window will be provided by the FCC in the future.) According to the Public Notice, the freeze is intended to facilitate the special window for displaced LPTV Stations and to protect the opportunity for LPTV Stations displaced by the post-auction repack of full power and Class A television stations to obtain a new channel in the special window.

During the freeze, the FCC’s Media Bureau will continue to process *pending* digital companion channel applications, and following completion of the post-auction special window for

displaced LPTV Stations, the FCC will announce when it will again begin accepting digital companion channel applications for LPTV Stations.

If you have any concerns about your low power TV station or TV translator station, please consult with your legal counsel to see whether or how the freeze may affect your operations.

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## Legislation Reintroduced in Congress to Put Cameras in the U.S. Supreme Court

In another attempt to initiate C-SPAN-type coverage of the United States Supreme Court, a bill was recently filed in the 115<sup>th</sup> Congress to compel the Court to televise its proceedings. Reps. Gerry Connolly (D-VA) and Ted Poe (R-TX) have reintroduced the Cameras in the Court Act, H.R. 464, which consists of a single paragraph: “The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of one or more of the parties before the Court.”

This is the fourth attempt in the last four Congresses to introduce television cameras into the Court, as the Justices have generally opposed suggestions that their public sessions should be televised. “Our nation’s highest court is not some ‘mystical priesthood’ that can operate outside of the public view,” said Representative Connolly in reintroducing the bill. “It is a coequal branch of government and must be accountable to the American public. In today’s digital age, it strains credulity that this modest effort at transparency would prove impossible or somehow inhibit the ability of our Justices to hear cases in a fair manner.” Court rules currently allow cameras in public spaces in the Supreme Court building; cameras, cell phones and audio devices, however, are barred from the actual courtroom while the Court is in session.

H.R. 464 has been referred to the House Committee on the Judiciary, and it’s too early to tell whether it will gain any traction.

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## Did Anyone Win \$600 or More in Prizes from Your Station’s Contests in 2016? If So, January 31 Is Your IRS Form 1099-MISC Deadline

January 31 is usually marked on every employer’s calendar because IRS Form W-2 wage statements must be issued to all employees by that date. But another IRS obligation—the issuance of IRS 1099-MISC forms to every contest winner who was awarded \$600 or more—may not be on every station’s radar.

If your station conducted contests, sweepstakes, or other promotions during 2016 where prizes were awarded, the 1099-MISC obligation may apply to you. Note that the obligation to issue a 1099-MISC for contest winnings applies to more than just cash prizes and to individual prizes valued at \$600 or more. The obligation to issue a 1099-MISC applies whenever an

individual wins, over the course of a calendar year, prizes from an entity (such as a station licensee) which, *in the aggregate*, total \$600 or more in value. Thus, for example, if a listener or viewer won three station contests in 2016 and received (i) a \$100 cash prize, (ii) tickets to an event valued at \$280, and (iii) an HDTV with a retail value of \$299, that winner should be issued a 1099-MISC to account for the aggregate prize value (which exceeds \$600).

Stations that do not have a system in place for tracking prize awards for station contests, sweepstakes, and other promotions should immediately discuss the issue with the station's business manager, CFO, accountants, and/or legal counsel.

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If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

*Stephen Hartzell, Editor*

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