



Virginia Association of Broadcasters Legal Review



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SPECIAL REPORT

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VIRGINIA RADIO STATION LICENSE RENEWAL APPLICATIONS DUE JUNE 1, 2011

All Virginia radio stations must electronically file their FCC license renewal applications (and accompanying EEO report on FCC Form 396) by **June 1, 2011**. In addition, non-commercial Virginia radio stations must also electronically file Biennial Ownership Reports by **June 1, 2011**. (The deadline for filing Biennial Ownership Reports for commercial radio stations in Virginia is November 1, 2011.) Moreover, each Virginia radio station is required to begin airing its Pre-Filing Announcements on **April 1, 2011**. With these deadlines quickly approaching, Virginia radio stations should begin to attend to the license renewal process as soon as possible.

The FCC's license renewal process is time consuming and requires great attention to detail. Late-filed, incomplete, or inaccurate license renewal applications may lead to significant enforcement action, including monetary fines and even the loss of a license. In fact, when a station files its license renewal application late, it may incur two potential FCC fines: one fine for unauthorized operation, which carries a base forfeiture of \$10,000, and another fine for the failure to timely file a required form, which carries a base forfeiture of \$3,000. Similarly, negative certifications in a station's renewal application regarding compliance with various Commission rules and policies may also lead to significant monetary fines. Given these financial risks, any potential regulatory deficiencies should be thoroughly examined and, if necessary, appropriately addressed in a station's renewal application.

The renewal process and application this year are somewhat different than they were eight years ago when Virginia radio stations last renewed their licenses. For example, for the first time, stations are required to certify in the renewal application that their advertising sales agreements do not discriminate on the basis of race or ethnicity and

that all such agreements held by the licensee contain non-discrimination clauses. (Please refer to our *Legal Memorandum* dated February 23, 2009, for additional information on the non-discrimination in advertising contracts requirement. It appears that non-commercial stations will be permitted to answer “not applicable” to this certification question on the renewal form.) There are other changes to the license renewal application as well, and stations should review the renewal form and its instructions carefully and consult with their communications counsel to ensure that they are aware of all the filings, requirements, and certifications.

Overview Of Critical Dates. Here are the critical deadlines relevant to the renewal application process for Virginia radio stations:

- * Pre-Filing Announcements must be broadcast on April 1, April 16, May 1, and May 16, 2011.
- * Pre-Filing Announcement Certifications must be placed in the Public File by May 23, 2011.
- * Renewal Applications must be filed with the FCC by June 1, 2011.
- * Immediately following the filing of a renewal application for an FM translator station, a Post-Filing Public Notice must be published for the FM translator station in a daily, weekly, or biweekly newspaper of general circulation in the community or area served by the FM translator station. If there is no newspaper published or having circulation in the community or area served by the translator, you should discuss with your communications counsel an appropriate means to provide the required notice to the public, such as posting the notice in the local post office or other public location.
- * Post-Filing Announcements must be broadcast on June 1, June 16, July 1, July 16, August 1, and August 16, 2011.
- * Post-Filing Announcement Certifications must be placed in the Public File by August 23, 2011.
- * The deadline for the public to file a Petition to Deny is September 1, 2011.
- * Current licenses expire October 1, 2011. (A station’s authority to operate is automatically extended while its renewal application is on file with the FCC and under review.)

Content Of The Pre-Filing Announcements. Each station's Pre-Filing Announcement must read as follows:

On [INSERT DATE OF LAST LICENSE RENEWAL GRANT], [INSERT STATION CALL SIGN] was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until October 1, 2011.

Our license will expire on October 1, 2011. We must file an application for renewal with the FCC by June 1, 2011. When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last eight years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by September 1, 2011.

Further information concerning the FCC's broadcast license renewal process is available at [INSERT STREET ADDRESS OF STATION'S MAIN STUDIO WHERE PUBLIC FILE IS MAINTAINED] or may be obtained from the FCC, Washington, D.C. 20554.

Dates/Times Of Broadcast For Pre-Filing Announcements. The Pre-Filing Announcements must be broadcast on *each* of the following days in 2011: April 1, April 16, May 1, and May 16. At least two of these four announcements must air between 7:00 a.m. and 9:00 a.m. and/or 4:00 p.m. and 6:00 p.m. local time. (A station may choose to schedule one or two extra Pre-Filing Announcements in an effort to anticipatorily makegood any announcements that are preempted for any reason. Stations may wish to consult with their communications counsel about whether or not to take this approach.)

Pre-Filing Certificate Of Broadcast. A certificate of broadcast of the dates and times of the pre-filing announcements must be signed and placed in each station's public inspection file after the last announcement is broadcast on May 16, 2011, and no later than May 23, 2011. The Pre-Filing Announcement Certification is not filed with the FCC.

Post-Filing Announcements. In the coming months, we will provide the FCC's required language for and timing of your Post-Filing Announcements and FM translator newspaper public notices.

As we approach spring, stations should make it a priority to consult with their communications counsel to ensure that they are properly prepared to file their license renewal materials.

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

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