



Virginia Association of Broadcasters Legal Review



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FILINGS REMINDER

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BIENNIAL OWNERSHIP REPORTS FOR COMMERCIAL BROADCAST STATIONS DUE DECEMBER 2, 2013

All commercial television and radio stations are reminded that the filing deadline for Biennial Ownership Reports is just around the corner. The FCC extended this year's filing period until December 2, 2013, but the filing should still include information current as of October 1, 2013.

The December 2 deadline applies to all commercial, full power broadcast stations, Class A and low power TV stations, and entities with attributable interests in those stations. (Filing deadlines for reports for noncommercial stations vary by state; Virginia noncommercial radio stations had June 3, 2013, filing deadline, and Virginia noncommercial television stations will have a June 1, 2014 filing deadline.)

For now, the extension applies only to 2013 Biennial Ownership Reports. The Commission's rules otherwise establish a uniform filing deadline of November 1, although the FCC has routinely extended the deadline in prior years. As previously reported, in a recent *Notice of Proposed Rulemaking* regarding the FCC's ownership rules (the "*Notice*"), the Commission asked whether this biennial deadline should be changed to December 1 of odd-numbered years. The *Notice* proposed to extend the Biennial Ownership Report filing period to December 1, allowing broadcasters an additional month to prepare and file Form 323. The FCC has not yet acted on the proposal. For more information on that proceeding, please see our Legal Review dated March 12, 2013.

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ANCILLARY AND SUPPLEMENTARY SERVICES REPORTS FOR TELEVISION BROADCASTERS DUE DECEMBER 2, 2013

Every year, all digital television broadcast licensees and permittees are required to report to the FCC whether they have offered any "ancillary" or "supplementary" services during the past year. These reports must be filed annually on FCC Form 317 even if a station did not provide any ancillary or supplementary services.

Licensees of full power television stations, digital Class A television stations, digital low power television stations, and digital television translators are required to file a report on FCC Form 317 by December 2, 2013, covering the one-year period between October 1, 2012, and September 30, 2013.

"Ancillary" or "supplementary" services are services provided on that portion of the station's digital spectrum capacity or bitstream that is not needed to provide the required one free, over-the-air video broadcast signal, and for which the station receives compensation in return for the broadcast. Such services include, but are not limited to,

computer software distribution, data transmission, teletext, interactive materials, aural messages, paging services, audio signals, subscription video, and other similar services. Ancillary and supplementary services do not include “any video broadcast signal provided at no direct charge to viewers”—in other words, a free, over-the-air multicast stream is not an ancillary and supplementary service.

If you have any questions regarding FCC Form 317 filings for your station(s), please contact your communications counsel.

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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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