



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

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FCC Post-Auction Repacking Webinar Scheduled for Monday, October 17, 2016

On Monday, October 17, from 1 – 4 p.m. ET, the FCC will conduct a webinar discussing the plan that it [recently proposed](#) for the post-Incentive Auction repacking of television stations.

The webinar presents an opportunity for television broadcasters to gain a better understanding of the “phased” transition approach for post-auction repacked stations, by which the FCC has proposed to assign repacked stations to one of ten “transition phases” with sequential deadlines called “phase completion dates.” Under the proposed plan, each station that has to change its channel will receive a construction permit with its phase completion date identified as the construction permit deadline. While all ten transition phases would begin at the same time, they would have staggered, sequential completion dates, and equipment testing on each station’s new channel would be limited to particular periods of time in order to minimize interference and facilitate coordination between and among certain stations.

The FCC’s phased transition proposal contemplates coordination between and among stations when a station is part of a so-called “linked-station set.” (A “linked-station set” is a set of two or more stations assigned to the same transition phase who have interference relationships.) Under the proposal, stations that are part of a linked-station set would have to coordinate testing with other stations in the same linked-station set so as to avoid undue interference, and they would have to transition to their post-auction channels simultaneously. Stations that are not part of a linked-station set would be able to operate on their pre-auction channels and test on their post-auction channels during the testing period applicable to the particular transition phase without any need for coordination with other stations. In order to facilitate the requisite coordination, linked-station sets will be identified by the FCC in a future public notice.

According to the [Public Notice](#) announcing the October 17 webinar, pre-registration for the webinar is not required. The webinar will be streamed live online from www.fcc.gov/live, and webinar slides will be posted on the FCC’s website at www.fcc.gov/incentiveauctions/resources (under the “Notices/Guidance” tab) prior to the start of the webinar. If you are interested in attending the webinar but are not available to watch the live stream, the FCC will post a recording of the webinar afterwards on the www.fcc.gov/incentiveauctions/resources webpage.

Stations with questions will be able to email their questions during the webinar to the IAtransition@fcc.gov email address, and stations that do so must be mindful of the fact that we are still in the anti-collusion “quiet period” when communications about an auction applicant’s bids or bidding strategies are prohibited.

EAS Form Three Report Due for ALL Stations by [November 14, 2016](#)

As all stations should be aware, FEMA and the FCC conducted a nationwide test of the Emergency Alert System (“EAS”) on September 28, 2016. As we previously advised, all stations should have filed their EAS Form Two reports via the FCC’s EAS Test Reporting System (“ETRS”) before midnight ET on September 28. Form Two merely asked stations whether they had received the nationwide test and whether they had retransmitted the nationwide test. Any details about a station’s experience with the test—good, bad, or otherwise—could not be submitted as part of the Form Two report, but must now be submitted as part of the Form Three report, which is **due by November 14, 2016**.

To access, complete, and submit Form Three, follow the same steps you used to access, complete, and submit Form Two. Form Three obviously requires responses to more questions than Form Two did. Beware: ETRS allows drafts of reports to be saved only for a few hours, so if you start the Form Three report and need to temporarily stop work on it before it is complete, you may be required to re-start the whole report when you come back to it later.

Remember, the nationwide test was exactly that—a *test*. If your station didn’t receive the test or had problems with the audio, or if some other aspect of your receipt or retransmission of the test was less than perfect, the FCC and FEMA want to hear about those issues in your Form Three report. In other words, reporting these types of issues in your Form Three report does not mean that the FCC will think you have violated a rule. On the other hand, if the reason your station

didn't receive and/or retransmit the test was because your station does not have compliant EAS equipment, you may wish to consult with legal counsel prior to filing your Form Three report.

Many stations have already filed their Form Three reports; if you station has not yet filed its Form Three report, you now have 30 days until the deadline of November 14, 2016.

FCC "Urges" TV Broadcasters to Update Contact Information

By [Public Notice](#) dated October 13, 2016, the FCC has reminded all television licensees to ensure that their contact information on file with the FCC is accurate and current and to correct and update it if necessary. Spurring the reminder is the FCC's anticipation that it will be communicating directly with television stations about the post-Incentive Auction repack.

The Public Notice advises that the FCC will rely either on (i) contact information provided in the FCC Form 177 auction application (for all stations that were included on a Form 177 application) or (ii) contact information currently contained in the FCC's Licensing and Management System ("LMS") (only for stations that were not the subject of a Form 177 auction application). Thus, if your station was listed on a Form 177 auction application, the FCC will use the contact information in that Form 177 for your station, irrespective of whether the application was deemed complete with respect to the station, whether the licensee made an initial commitment with respect to the station, whether any initial commitment made could be accommodated, or whether the station has exited (or exits in the future) the auction, voluntarily or involuntarily.

For stations that were included in a Form 177 auction application, the FCC has provided the instructions below about how to review and update (if necessary) the contact information provided in Form 177. For stations that were not included in a Form 177 auction application, the FCC has provided the instructions below about how to review and update (if necessary) the contact information in LMS. Stations that are uncertain about their contact information or how to review or correct it may wish to contact their communications counsel. And, remember, too, that the FCC's anti-collusion "quiet period" is ongoing, and during this time stations are prohibited from communicating about auction bids or bidding strategy; thus in any discussions regarding a review or update of Form 177 contact information, stations should be careful not to mention the station's current status with respect to the auction.

Updating Station Contact Information in <u>LMS</u>
To view a station's contact information in LMS follow the instructions below: <ol style="list-style-type: none">1. Access the LMS public search webpage at https://enterpriseefiling.fcc.gov/dataentry/public/tv/publicSearchLanding.html2. Click the "Facility Search" button.3. Enter the call sign or facility ID number for the station and click the "search" button.4. Click on the station's facility ID number.5. Review for accuracy the Licensee and Contact Representative information (name, address, telephone number and e-mail address) that appears under on the "Facility Details" tab.

Updating Station Contact Information in LMS

If, after reviewing the contact information, you determine that it is necessary to update the station's Licensee or Contact Representative information, you will need to file an "Administrative Update" in LMS by following the instructions below.

1. Access the LMS applicant data entry home page at <https://enterpriseefiling.fcc.gov/dataentry/login.htm>:
2. Log in using the FRN associated with the station.
3. Click on the "Facilities" tab on the left top of the page.
4. Click on the facility ID number of the station.
5. Click on the "File an Application" button.
6. Select the "Administrative Update" option from the drop down menu.
7. Input appropriate changes in contact information and click "Submit."

After the updated contact information has been submitted, a confirmation page will be displayed on the screen. The FCC recommends that the station print a copy of the confirmation page for its records.

Updating Station Contact Information on Form 177 in the Auction System

Reverse auction applicants may view and/or update their respective contact information in the Auction System by following the steps below. Any party with multiple applications must follow these steps with respect to each application separately.

1. Access the log in screen at <https://auctionsignon.fcc.gov> or <https://auctionsignon2.fcc.gov>
2. Enter the applicant's FRN and password and click on the "log in" button, which will take you to the "My Auctions Page" screen.
3. Click on the "Click here to file FCC Form 177" link, which is under the "Incentive Auctions" heading.
4. Click on the "Auction 1001" link, which will display the application's "Summary" screen in a "view/edit" mode.
5. A navigation pane on the right side of the screen will displays the various sections of the FCC Form 177. Click on the "Applicant Information" link to view the subsections within that section of the application.
6. Click on the "Contact Details" link, which will take you to the "Contact Details" screen where you may view and/or update the station's contact information.
7. If you find contact information that requires revision, make the revisions and then navigate to the "Certify & Submit" screen.
8. On the "Certify & Submit" screen, you must click on the "Certify & Submit" button in order to submit the changes you made to the contact information in Form 177.

After the updated contact information has been submitted, a confirmation page will be displayed on the screen. The FCC recommends that the station print a copy of the confirmation page for its records.

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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