



# Virginia Association of Broadcasters Legal Review



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## Legal Memorandum

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*In this issue, link to information about*

*Deadlines:*     [Make Changes to EAS Form One Reports By September 27](#)  
                      [New EAS Handbook Must Be In Use By September 27](#)  
                      [Biennial Ownership Reporting Deadline Delayed for All Broadcasters](#)

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### Revisions to Form One EAS Reports Due By September 27

As we have previously advised, a nationwide test of the Emergency Alert System (“EAS”) is scheduled for Wednesday, September 27, 2017. (The test is scheduled to occur at 2:20 p.m. Eastern Time.) In connection with the nationwide test, all broadcasters were required to file the Form One EAS report through the FCC’s ETRS (EAS Test Reporting System) by August 28. (The FCC has since distributed messages to stations encouraging them to file their Form One reports as soon as possible if they were not timely filed by the August 28 deadline.) **Stations have until 11:59 p.m. Eastern Time on September 27 to make any updates and corrections to, and re-file, their Form One reports.** Instructions for registering new credentials for ETRS and for submitting Form One have been previously distributed. Please contact your FCC counsel or the Association office immediately if your station has not yet filed its Form One EAS report or if your station needs assistance in revising its filed Form One report.

Stations must also remember that they will be required to file Form Two—which will contain limited “day of test” information about the nationwide test—by 11:59 p.m. Eastern Time on the day of the test.

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## Stations Must Print, Review, and “Fill in the Blanks” of the New EAS Operating Handbook By September 27

In late July, the FCC released a [Public Notice](#) announcing the issuance of a [new EAS Operating Handbook](#) for all broadcast stations. Here is a link to the new EAS Operating Handbook: <https://www.fcc.gov/file/12715/download>. Until now, stations should have been using the 2016 edition of the EAS Operating Handbook. Stations must implement the use of the 2017 EAS Operating Handbook in time for the September 27, 2017, nationwide EAS test. (The September 27 nationwide EAS test is scheduled to occur at 2:20 p.m. Eastern Time.)

All broadcast stations should print the [new EAS Operating Handbook](#) and post it at the location of the station’s EAS equipment. All prior versions of the EAS Handbook (including the 2016 version, the special 2011 nationwide EAS test version, and all other versions) are now outdated, superseded, and ripe for recycling. In addition, all stations should carefully review the 2017 EAS Handbook and take the opportunity to “fill in the blanks” where the Handbook gives stations the opportunity to do so—the FCC has made the 2017 EAS Handbook available as a “writable” PDF in an effort to facilitate each station’s customization of the document.

All station personnel involved in any aspect of EAS compliance—weekly and monthly tests; nationwide tests; state and local alerts; EAS logging; equipment procurement; etc.—should review the new EAS Handbook, contribute to the “filling in the blanks” process, and ensure that it is posted at the appropriate location(s). (Please Note: stations are not permitted to alter the existing content of the EAS Handbook, other than to complete the portions that are designed for station input.)

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### NOT Due December 1, 2017: FCC Biennial Ownership Reports

Until the FCC released an [Order](#) today, all broadcast stations—commercial and noncommercial alike—were scheduled to compile and file their biennial ownership reports (FCC Form 323 for commercial stations; FCC Form 323-E for noncommercial stations) on or before December 1, 2017.

Today, however, the FCC announced that it is delaying the due date of biennial ownership reports so that the filing deadline will be March 2, 2018. The FCC will open the biennial ownership report filing window on December 1, 2017, and all biennial ownership reports must be current as of October 1, 2017. (October 1, 2017, was the “as of” date for the reports when the filing deadline was December 1. In other words, the change in the reporting deadline has not changed the “as of” date.)

The reason for the delay is that the Media Bureau is changing the filing platform for biennial reports from CDBS (the Consolidated DataBase System) to LMS (the Licensing and Management System). In changing the filing window for the 2017 biennial reports, the Media

Bureau is recognizing that the conversion of Forms 323 and 323-E from the CDBS environment to the LMS environment is a significant undertaking that will require careful deliberation and attention to detail by the FCC's IT team and contractors. We all want a bug-free, glitch-free experience when filing biennial reports, and hopefully the delay announced today will help to make that desire into a reality.

Stations with questions about their FCC ownership reporting requirements may wish to contact their communications counsel or the VAB hotline for assistance.

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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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