



Virginia Association of Broadcasters Legal Review



Brooks, Pierce, McLendon, Humphrey &
Leonard, LLP
Counsel to VAB • (919) 839-0300

250 West Main Street, Suite 100
Charlottesville, VA 22902 • (434)
977-3716

September 26, 2016

Legal Memorandum

In this issue, link to information about

Deadlines: [EAS Form One Revisions Due TODAY \(September 26\)](#)
[EAS Form Two Reports Due September 28](#)
[Regulatory Fees Due TOMORROW \(September 27\)](#)

Deadline to Revise Form One EAS Reports Is September 26;
Form Two EAS Reports Due 11:59 p.m. ET September 28

As we have previously advised, the FCC and FEMA (the Federal Emergency Management Agency) have scheduled a nationwide test of the Emergency Alert System (“EAS”) for Wednesday, September 28, 2016. (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 26. **Stations have until September 26 to make any corrections to, and re-file, their Form One reports.** Instructions for registering with the ETRS and 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. Although the FCC has not yet made Form Two available in ETRS, a screen shot of the report is displayed below.

News Tasks (2) **Records** Reports Actions Name of Filer - Appian

FCC Federal Communications Commission

Summary
News
Related Actions ▶
History

Form Two - Day of Test Reporting

Test Cycle MM/DD/YYYY National Test

Participant Information

Legal Name of EAS Participant
Broadcaster XYZ

FCC Registration Number (FRN)
123-456

EAS Participant Type
Other

EAS Message

Did the facility receive the EAS message? *

Yes No

Did the facility retransmit the EAS message? *

Yes No

Form Two requires stations to report whether they received and retransmitted the nationwide EAS test message. Form Two must be completed by 11:59 p.m. on September 28. Form Two’s “Participant Information” fields (which will be identical to those presented in Form One) will auto-populate using the data each station provides in Form One. (If your station has not yet filed Form One, you should file it immediately.) Form Two will ask broadcasters whether they received the nationwide EAS test message and whether they retransmitted the nationwide EAS test message. Form Two is intended to provide the FCC and FEMA only with a quick snapshot of the nationwide test. Form Three—which will be due 45 days after the nationwide test—is the report in which stations will describe any issues with receipt or retransmission of the nationwide test.

Deadline to Pay Regulatory Fees Is 11:59 p.m. EDT September 27, 2016

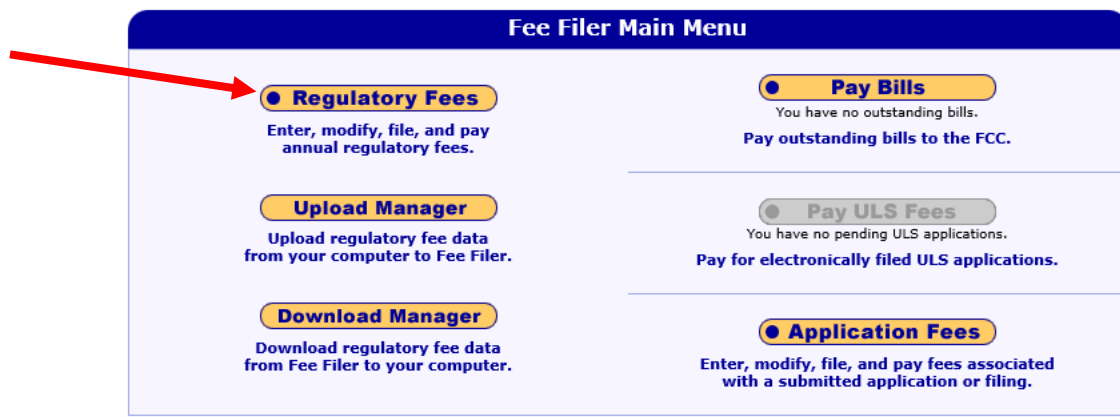
As we have previously advised, **the deadline for paying regulatory fees is 11:59 p.m. Eastern Daylight Time on September 27, 2016.** Payments that are even one minute late face a penalty of 25%; thus, for example, a station that owes \$5,000 in regulatory fees would have to pay \$6,250 if it misses the deadline. We have previously distributed tables setting forth the regulatory fees of greatest interest to broadcasters. A [Public Notice](#) released by the FCC on September 6 details the multi-step regulatory fee payment process. And the FCC has also [made available a “Fact Sheet”](#) for broadcasters. The FCC’s [regulatory fees webpage](#) provides additional resources for broadcasters.

IMPORTANT: Payments by Check Will Not Be Accepted. Because the FCC is moving towards a paperless environment, last year the Commission stopped accepting checks (including cashier’s checks and money orders) and the accompanying hardcopy “remittance advice” forms (e.g., FCC Forms 159, 159-B, 159-E, 159-W) for the payment of regulatory fees. This paperless payment procedure requires all payments to be made by wire transfer or online via ACH (Automated

Clearing House) payment, debit card (Visa or MasterCard branded debit cards only), or credit card. Other forms of payment (e.g., cash, checks, cashier’s checks, money orders) will be rejected.

IMPORTANT: Limits on Credit Card Transaction Amounts. Since 2015, the amount that can be charged on a credit card for transactions with federal agencies—including the FCC—has been reduced to \$24,999.99. Attempted transactions for amounts greater than \$24,999.99 will be rejected. This limit applies to single payments, divided payments, and to combined payments of more than one bill. In other words, the FCC will aggregate multiple transactions attempted on one credit card on one day and treat them as a single transaction subject to the \$24,999.99 limit, and the FCC will not permit a broadcast licensee to divide a transaction over multiple days in order to create smaller payments that would fall below the \$24,999.99 limit each day. Thus, broadcasters who need to pay an amount greater than \$24,999.99 must consider alternatives such as using debit cards (Visa or MasterCard branded debit cards only) or making payment by ACH or wire transfers.

Regulatory Fee Payment Process. Broadcasters must use the FCC’s [Fee Filer system](#) to file their regulatory fees submission and remit payment of those regulatory fees. To [login to the Fee Filer system](#), you must use your FRN and password. Logging in will take you to the Fee Filer Main Menu, where you click on the “Regulatory Fees” link as shown below. Then, follow the instructions to make your regulatory fees submission and obtain payment instructions to complete the two-step regulatory fee filing process.



Please contact your communications counsel if you have questions regarding your station’s regulatory fees, and please remember to **file and submit your station’s fees prior to the deadline of 11:59 p.m. EDT, September 27, 2016.**

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

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

Wade H. Hargrove
Mark J. Prak
Marcus W. Trathen
David Kushner
Coe W. Ramsey
Charles E. Coble
Charles F. Marshall
Stephen Hartzell
Julia C. Ambrose
Elizabeth E. Spainhour
Timothy G. Nelson

This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

© 2016 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.