



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

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Three-Week Countdown: Nationwide EAS Test Form One Due August 27, 2018

All broadcasters have three more weeks—until **August 27, 2018**—to file Form One, the first of three reports that must be completed in connection with the next [nationwide EAS test](#), which is scheduled for September 20, 2018, at 2:20 p.m. ET.

All broadcasters are required to participate in the September 20 nationwide test, which means stations should mark their calendars, ensure that EAS gear is functioning, assign responsibility for the filing of the three nationwide EAS test reports, and review the FCC’s [EAS Operating Handbook](#).

Filing Form One. Form One (and Forms Two and Three) must be filed using the FCC’s ETRS ([EAS Test Reporting System](#)). As noted, Form One is due by August 27 (with any updates and corrections due by 11:59 p.m. on September 26). Form One contains basic information about each station, including its transmitter location, EAS monitoring assignments, and make and model of EAS gear. Stations that still have a copy of last year’s Form One report may wish to refer to it

while reviewing the auto-populated data in this year's Form One report. Of course, be sure to update any information that has changed in the interim.

The second report—called Form Two—will be due by 11:59 p.m. on September 20, 2018. Form Three will be due by Monday, November 5, 2018. We will be sure to remind you later about the second and third reports.

Other Preparations for the September 20 Nationwide EAS Test. In addition to completing and filing Form One by August 27, stations are encouraged to take the following steps now in preparation for the September 20 test:

- Ensure that the station's EAS equipment operates in compliance with the FCC's EAS rules, such as being capable of receiving and processing the NPT (national periodic test) code and the "six zeroes" national location code;
- Upgrade, as needed, EAS equipment software and firmware to the most recent version;
- Review the station's state EAS plan;
- Ensure that a copy of the July 2017 version of the EAS Operating Handbook is located at normal duty positions or EAS equipment locations and is immediately available to operators;
- Review the EAS Operating Handbook to become familiar with and prepare for the actions that will need to be taken upon receipt of the test alert; and
- Manually synchronize EAS equipment clocks to the official time provided by NIST (the National Institute of Standards and Technology), if the station's equipment does not automatically synchronize to an Internet time source.

Remember that **all broadcast stations are required to participate in the EAS** (the FCC no longer recognizes "non-participating" status for stations in the EAS rules). Accordingly, all stations must be prepared to participate in the nationwide test on September 20 (or, if necessary, on October 3, which is the back-up date).

As you complete Form One by August 27 and otherwise prepare for the September 20 nationwide EAS test, please consult with your EAS equipment manufacturer and the station's legal counsel for assistance with any questions.

Under 75-Day Countdown: Deadline to Register Existing C-Band Downlink Earth Stations is October 17

Here's another crucial reminder: broadcasters have until **October 17, 2018** to register their existing (constructed and operational as of April 19, 2018) C-band receive-only earth stations.

Background. As we have previously reported, many broadcast stations use C-band downlink earth stations to receive network and syndicated programming, but since the FCC's rules do not require receive-only earth stations to be licensed or registered, many broadcasters who use such dishes have never registered them with the FCC. The C-band—the 3.7-4.2 GHz band—is used heavily for content distribution to television and radio broadcasters, including transportable antennas to cover live news and sports events. Just about every U.S. household relies on C-band satellite operations.

Last month, the Commission adopted a [Notice of Proposed Rulemaking and Order](#) (“Notice”) that seeks comment on various proposals for allowing expanded use of the C-band for 5G. The Notice proposes to add a mobile allocation to the C-band and seeks comment on transitioning all or a part of the band to wireless broadband services, with the stated goals of promoting 5G wireless connectivity, expanding high-speed broadband access across the U.S., and closing the “digital divide.” The proceeding is of great significance to broadcasters, and NAB has and will continue to advocate for existing earth stations to be protected against harmful interference that could result from additional C-band uses.

Why Register? Given the Commission's desire to expand use of the C-band for wireless services, NAB is encouraging broadcasters to register ALL of their downlink C-band antennas at a given site. Registration of all dishes provides a greater degree of interference protection against certain terrestrial microwave operations, and it is also likely to allow for reimbursement of costs associated with service restoration for each dish at such a site if the FCC ultimately reallocates the C-band band to other users and implements a reimbursement process.

Two “Batch” Filing Options for Registration. The FCC is offering two filing options for earth station registration. First, operators with multiple receive-only antennas at a single geographic location or address may apply to register such antennas under a single earth station application and pay just one application fee of \$435. (More on the application fee—and possible reimbursement of such fee—below).

Second, the FCC will waive certain registration requirements to allow operators of multiple geographically diverse receive-only earth stations to register those stations by filing an application for a single “network.” This “network” filing option is likely to be useful only to a small number of large broadcast entities with numerous C-band downlink dishes operating in numerous locations. The FCC filing fee for a single “network” authorization is \$10,620. Although that fee is higher than the \$435 registration fee for a single receive-only earth station, broadcasters who wish to register a large number of earth stations may benefit from filing under this “network” category, rather than applying to register each earth station individually.

SES Program to Reimburse Registration Filing Fees. C-band satellite operator SES announced recently that it is offering to reimburse broadcasters (and others) the \$435 FCC filing fee incurred in connection with the filing of new registration applications for C-band downlink dishes.

Based on our correspondence with SES, here is what we know about this reimbursement opportunity so far (although SES is still working through the details of the program):

1. Reimbursement by SES may be available to U.S. C-band earth station operators in the contiguous United States (not in HI or AK), i.e., broadcasters, cable systems, DTH providers, video programmers, MVPDs, etc., subject to the following conditions:

(a) proof of submission of the FCC registration fee must be submitted to FCCregistration@ses.com by October 31, 2018;

(b) only new earth station registrations are eligible for reimbursement;

(c) reimbursement is limited to the registration fee of \$435 per earth station;

(d) registrations must be carried out between July 25 and October 17, 2018; and

(e) reimbursement is at all times subject to the availability of funds by SES.

2. In order to be considered eligible for reimbursement (based on the information in paragraph 1 above), broadcasters will need to email their confirmation of payment of the FCC filing fee to FCCregistration@ses.com. Once received, it will be checked to determine eligibility status. If eligible, reimbursement will follow. If not eligible for any reason, SES will notify you. We understand SES is still working on the method of reimbursement—we'll keep you updated.

3. No other charges or costs will be reimbursed by SES—only the \$435 FCC filing fee. Reimbursement eligibility does not depend on the size of the entity seeking reimbursement.

4. SES invites broadcasters to email (FCCregistration@ses.com) or call (609-987-4300) them with questions about the FCC's registration process or the filing fee reimbursement offer.

5. SES has set up an informational web page (<https://www.ses.com/fcc-registration-or-licensing-c-band-antenna>) to help broadcasters understand the FCC's registration process and FCC Form 312.

We will keep you posted with any further details we learn about the SES filing fee reimbursement offer. **And, please remember to register your un-registered C-band downlink dishes by October 17, 2018.**

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

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