



# Virginia Association of Broadcasters Legal Review



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## Legal Memorandum

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*In this issue, link to information about*

*Deadlines:* [October 17: TWO DAYS LEFT to Register Existing C-Band Downlink Earth Stations](#)  
[November 19: Nationwide EAS Form Three Due; Filing Window Still Open for Form Two](#)

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Just Two More Days! C-Band Downlink Earth Stations Must be  
Registered by October 17, 2018!

We're writing to remind you of a critical deadline: **broadcasters have just two more days, until October 17, 2018**, to register their existing (constructed and operational as of April 19, 2018) C-band receive-only earth stations.

*Why Register?* 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.

In July, the Commission adopted a [Notice of Proposed Rulemaking and Order](#) that seeks comment on various proposals for repurposing—or allowing expanded use of—the C-band for 5G. 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 \$450 (the fee recently increased from the previous amount of \$435). (More on the application fee and possible reimbursement of the 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 \$450 (formerly \$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 that it is offering to reimburse broadcasters (and others) the \$450 (or \$435, depending on what the broadcaster’s filing receipt indicates was paid to the FCC) FCC filing fee incurred in connection with the filing of new registration applications for C-band downlink dishes. SES has told us that it will reimburse the new \$450 amount, if that is the filing fee that was paid (or \$435, if that is the filing fee that was paid).

SES has provided information about this reimbursement opportunity [here](#). Based on the information SES has provided, here’s what we know about this reimbursement opportunity:

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:

- proof of submission of the FCC registration fee must be submitted to [FCCregistration@ses.com](mailto:FCCregistration@ses.com) by October 31, 2018;
- only new earth station registrations are eligible for reimbursement;
- reimbursement is limited to the registration fee of \$450 or \$435 per earth station;
- registrations must be carried out between July 25 and October 17, 2018; and
- reimbursement is at all times subject to the availability of funds by SES.

In order to be considered eligible for reimbursement, broadcasters will need to email their confirmation of payment of the FCC filing fee to [FCCregistration@ses.com](mailto:FCCregistration@ses.com). Once received, it will be checked by SES to determine eligibility status. If eligible, reimbursement will follow. If not eligible for any reason, SES will notify you.

Reimbursement eligibility does not depend on the size of the entity seeking reimbursement. SES invites broadcasters to email ([FCCregistration@ses.com](mailto:FCCregistration@ses.com)) or call (609-987-4300) them with questions about the FCC’s registration process or the filing fee reimbursement offer. 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.

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## Deadline: EAS Form Three Due November 19; Form Two Filing Window Still Open

This is a reminder that broadcasters must file the **Form Three EAS Report by 11:59 p.m. on November 19**. The Form Three report seeks detailed, post-test data related to the [nationwide test of the Emergency Alert System](#) ("EAS"), which took place on October 3<sup>rd</sup>. Form Three is also the report on which stations will describe any issues with receipt or retransmission of the nationwide test. Form Three (like Forms One and Two) must be filed using the FCC's ETRS ([EAS Test Reporting System](#)). We will be sure to provide further reminders regarding filing of the Form Three report.

*Filing Window Still Open to File Form Two EAS Report.* We have good news to report for any stations who may have had difficulty filing (or that may have forgotten to file) their Form Two EAS Report: the FCC has decided to leave the Form Two filing window open until November 19, 2018. You'll recall that the Form Two report (which requires stations to report on "day of test" information) was due by 11:59 p.m. ET on October 3<sup>rd</sup> (the day of the test). However, FCC staff tells us that many filers had difficulty with the ETRS on test day. As a result, the Commission is keeping the Form Two filing window open until the same day that Form Three is due. If you have not yet filed your Form Two, we recommend that you do so as soon as possible.

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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.

*Tim Nelson, Editor*

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