



Virginia Association of Broadcasters Legal Review



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October 3, 2018

Legal Memorandum

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Deadlines: [October 3 by 11:59 P.M. EST: Nationwide EAS Form Two Due](#)
[October 10: Deadline for Third Quarter 2018 Transition Progress Reports](#)
[October 17: Deadline to Register Existing C-Band Downlink Earth Stations](#)

Deadline: Tonight (October 3rd) at 11:59 p.m. EST –
EAS Form Two Due

This is a reminder that broadcasters must file the **Form Two EAS Report by 11:59 p.m. on October 3**, just hours after today's live, [nationwide test of the Emergency Alert System](#) ("EAS").

As we have previously reported, Form Two requires stations to report on "day of test" information. Most of Form Two's fields will auto-populate using the data each station provided in Form One, which was due August 27. 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 Two (like Forms One and Three) must be filed using the FCC's ETRS ([EAS Test Reporting System](#)).

Form Three EAS Report Due November 19. Form Three is the report on which stations will describe any issues with receipt or retransmission of the nationwide test. Form Three will be due by 45 days after the nationwide test, meaning that Form Three is due by November 19, 2018. We will be sure to remind you later about the third report.

Deadline: One Week – Third Quarter “Transition Progress Reports” for Post-Auction Transitioning Stations Due October 10, 2018

And another reminder: all full power and Class A transitioning stations that are changing channels in the post-Auction transition must file their next quarterly Transition Progress Report—FCC Form 387—within a week, by **October 10, 2018**. Transition Progress Reports must provide information regarding steps stations have taken toward construction of their post-Auction facilities, and transitioning stations have to file the Form 387 each quarter until the station ceases operation on its pre-Auction channel. The Form 387 will also have to be filed at other specific times prior to and following the completion of construction. (Please contact your communications counsel for information about the non-quarterly deadlines for filing Transition Progress Reports.)

You may recall that two questions on Form 387 require each filer to indicate whether, as of the date the report is filed, the station expects to procure, install, and schedule all equipment and services necessary in a timely fashion to meet its transition deadline. Stations are encouraged—even if they are still on schedule to meet all applicable FCC transition deadlines—to include narrative descriptions of any potential issues that could possibly arise as their transition unfolds and progresses.

Deadline: Two Weeks – C-Band Downlink Earth Stations Must be Registered by October 17, 2018

Finally, one more reminder for stations: broadcasters have just two more weeks, 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. We have reached out to SES, and we have been told that SES 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 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. 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) 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.

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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