



# Virginia Association of Broadcasters Legal Review



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## Legal Memorandum

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*In this issue, please find information about*

*Headlines:*      [Virginia Radio Station License Renewals Being Granted! Here's Guidance for Stations With Newly Renewed Licenses](#)

[FCC Proposes \\$15k Fine to Radio Station in Connection with Its Renewal Application](#)

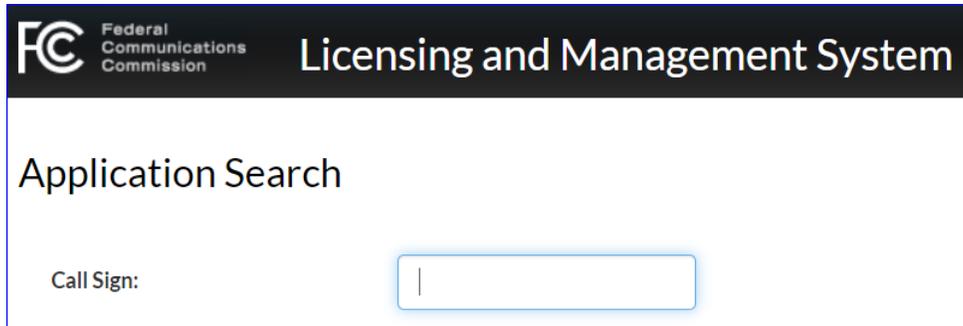
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### Commission Begins Granting Virginia Radio Station License Renewals; Guidance for Broadcasters Receiving Grants

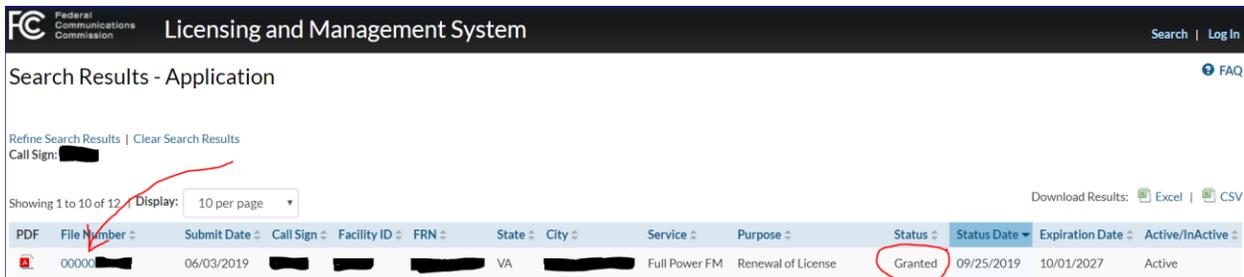
We write with (what we hope will be) good news for Virginia radio stations! We've learned that the Commission is now granting Virginia radio station license renewal applications that were timely filed by the June 3, 2019, deadline. At this point, however, the FCC's automated notification system does not appear to be alerting a licensee when action has been taken on its renewal application(s). As a result, it is possible that your station's renewal may have been granted already without your knowing it yet!

As such, this memo (1) lets you know where to look to see whether your license renewal application has been granted and (2) provides guidance for the "next steps" once you receive your renewal grant.

*Has My License Been Granted?* In order to find out whether the FCC has acted on your license renewal application, you'll need to go to the Commission's Licensing and Management System (LMS) platform and search, using your station's call sign, on the [LMS Application Search](#) page:



You'll then be taken to your station's "Search Results – Application" page, where you'll see whether your license renewal application has been granted, or remains pending. If the "Status" of your application is "Granted" (as seen in the example below), click on the file number for your license renewal application.



You'll then be taken to the "Renewal of License" page, where you can click on "Authorization" and find your license renewal postcard.



Here's what your license renewal postcard will look like – congratulations!

**Renewal of License Authorization**

This is to notify you that your Application for Renewal of License [REDACTED], was granted on 09/24/2019 for a term expiring on 10/01/2027.

This is your License Renewal Authorization for station [REDACTED]

Facility ID: [REDACTED]  
 Location: [REDACTED]

This Authorization must be uploaded to it's online public inspection file with the station's License Certificate and any subsequent modifications.

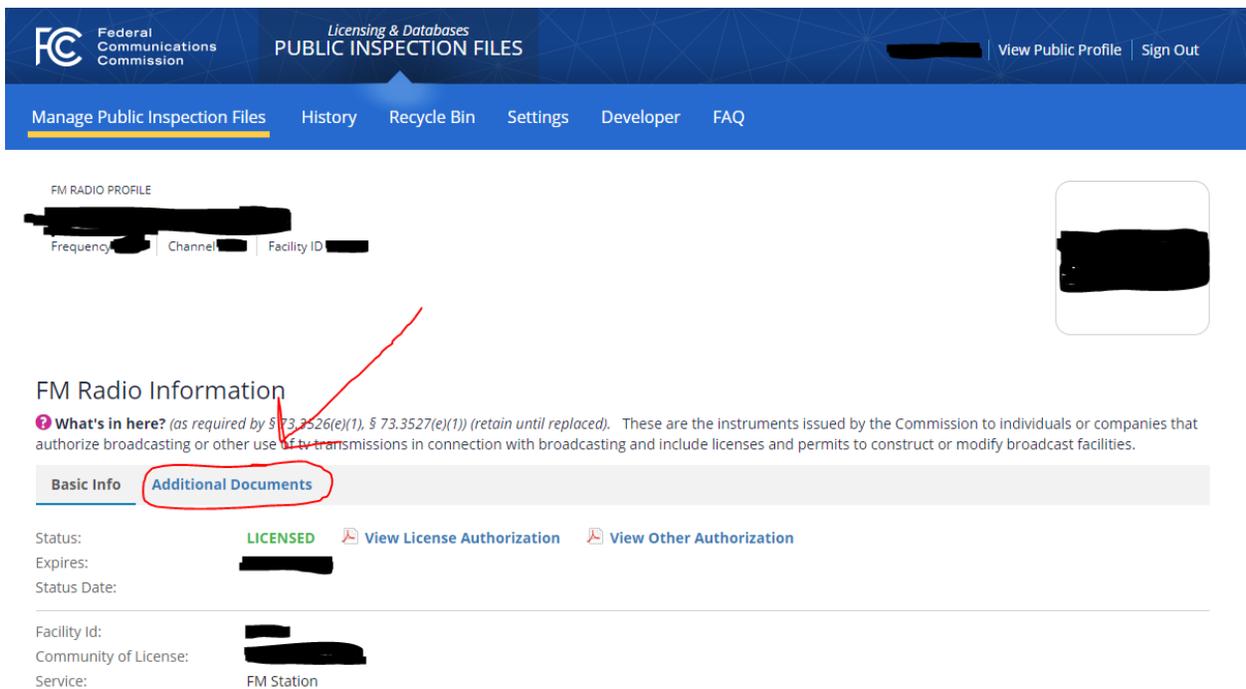


But wait! You're not done yet! Here's some guidance for the next steps:

*You Might Want to Wait to Clean out the Online Public File (“OPIF”).* As a legal matter, each license renewal grant is not yet a “final order” because it is still subject to reconsideration or appeal until the time has expired for someone to file for reconsideration of or to appeal (or the Commission to decide on its own to reconsider) the grant. Generally, that period of time runs from the date the FCC puts the renewal grant on public notice until 40 days later. Thus, prudence dictates that stations wait until that period of time has elapsed before they clean out the public files for their preceding license term, or they might have to re-upload their documents for the entire preceding license term.

*Manual Upload of Your Renewal “Postcard” to the OPIF.* The FCC’s system is not yet automatically uploading renewal postcards to the OPIF. (The FCC Staff has informally assured us that the system will do that at some point, but as of today it is not.) Thus, to ensure compliance with the public file requirements, stations may wish to manually upload their renewal postcard to the OPIF. To do so, please follow the instructions below.

Sign into your OPIF, and click on the “Additional Documents” tab, which is located next to the “Basic Info” tab.



An “Upload Documents” option should appear (see the orange button in the screen shot below). Click the “Upload Documents” button. (You can verify that you’re uploading the renewal postcard to the correct location by double-checking that the path above the “Upload Documents” button says “Browse -> FCC Authorizations -> Additional Documents.”)

## FM Radio Information

**What's in here?** (as required by § 73.3526(e)(1), § 73.3527(e)(1)) (retain until replaced). These are the instruments issued by the Commission to individuals or companies that authorize broadcasting or other use of tv transmissions in connection with broadcasting and include licenses and permits to construct or modify broadcast facilities.

Basic Info   Additional Documents

Licensees should upload any additional material that relates to an application filed with the Commission in the folder below that corresponds to the type application at issue.

**Note:** You are uploading documents into an official FCC system. All information submitted will be publicly available via the web. Filers may want to redact confidential or proprietary data before uploading, including customer bank account information.

**Q:** Why are my files still "pending"?

Browse → [FCC Authorizations](#) → [Additional Documents](#) →



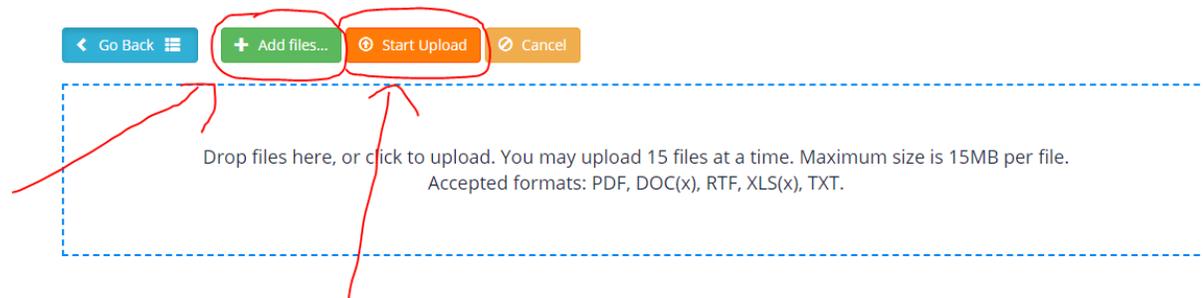
Once the new page appears, navigate to the renewal postcard that you have saved to your hard drive and add the renewal postcard to the OPIF upload queue either by (i) clicking the “Add files . . .” button and then selecting the renewal postcard from your hard drive or (ii) dragging the renewal postcard into the blue box (shown below). Next, **you must click the “Start Upload” button** to actually upload the renewal postcard. After the upload is complete, logout and check to make sure the renewal postcard is accessible from the “public” side of the file.

Licensees should upload any additional material that relates to an application filed with the Commission in the folder below that corresponds to the type application at issue.

**Note:** You are uploading documents into an official FCC system. All information submitted will be publicly available via the web. Filers may want to redact confidential or proprietary data before uploading, including customer bank account information.

**Q:** Why are my files still "pending"?

Folder Path: [FCC Authorizations/Additional Documents](#)



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Once you take care of the steps outlined above, you can breathe a sigh of relief. Congratulations on successfully navigating the license renewal process!

## Media Bureau Issues Notice of Apparent Liability Related to Recent Virginia Radio License Renewal Application

While we're on the subject of Commission activity on license renewals, we wanted to bring to your attention a [Notice of Apparent Liability](#) (the "Notice") in the amount of \$15,000 issued last week to a Virginia radio station licensee in connection with its license renewal application.

The Media Bureau issued the Notice based on its tentative findings that the licensee failed to prepare and upload to the station's online public inspection file the required quarterly issues and programs lists throughout the license term at issue. In its renewal application, the licensee explained the lack of issues/programs lists by noting that the station is owned by and operated almost entirely by a 92-year-old man who is not "computer literate" and who did not understand how to access his station's online public file. Further, the application also conceded that the licensee was "unsure as to whether he prepared" any of the required issues/programs lists in paper form throughout the expiring license term.

The Media Bureau responded to the licensee's explanations by stating that, despite the owner's "advanced age, it is a licensee's responsibility to comply with Commission Rules." Accordingly—and given the fact that the Media Bureau staff's review revealed that the licensee had not only failed to prepare *any* quarterly issues and programs lists during the license term, but also had "a history of failing to maintain a public inspection file"—the Media Bureau proposed a fine of \$15,000 and "a short-term license renewal" of two years (instead of the customary eight-year term) as an "appropriate sanction."

If nothing else, the Notice serves as a timely reminder of the importance of diligently creating and uploading quarterly issues and programs lists by the 10th day of the month following the close of each calendar quarter (i.e., by the 10<sup>th</sup> of January, April, July, and October).

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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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