



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

December 23, 2019

**** ALERT: Modified TV Filings Deadlines for January ****

Important Update for TV Station Filings Due in January 2020: Children's Television Programming Reports; Children's Commercial Time Limits; Issues/Programs Lists; Class A TV Station Certifications

Late on Friday, December 20, the FCC issued a [Public Notice](#) that affects when TV stations must make certain filings relating to children's programming. The information below modifies some of the filing deadlines that have been recently discussed in our prior memoranda, and **it is important for TV stations to review this memorandum to ensure timely filings and avoid extra work and confusion.** Please contact your communications counsel or the Association hotline if you have questions about any of the filing deadlines.

*First Annual Children's Television Programming Report Is **Due March 30 (Instead of January 30, 2020)**.* We have previously indicated that the first annual Children's Television Programming Report (which will only cover the final 15 weeks of 2019) would be due January 30, 2020. The FCC has extended this deadline, and the first annual children's report will be due **March 30, 2020**. (In subsequent years, the deadline will be January 30.)

*The New Annual Children's Television Programming Report Form Is Not Available Yet but Will Be Available **By January 30, 2020**.* OMB (the Office of Management and Budget, which is the federal agency that must approve all FCC report forms before the FCC can use them) approved the FCC's new *annual* Children's Television Programming Report form on December 18, 2019. However, the new report form is not yet available in the FCC's LMS (Licensing and Management System), and the FCC's recent Public Notice advises that it will be available prior to January 30, 2020.

*The FCC Will Host a Webcast Tutorial on **January 23** to Discuss the New Children's Report Form.* According to the recent Public Notice, the FCC will offer a webcast on January 23, 2020, from 1:30 – 2:30 pm ET to review the functionality of, and changes to, the children's report form. More details about the webcast will be announced in an upcoming FCC public notice; we'll let you know more information as we get it.

*First Annual Children’s Commercial Time Limits Certification Is **Due January 10** (Instead of January 30, 2020).* We have previously indicated that the FCC’s new children’s programming rules allow stations to upload their Children’s Commercial Time Limits Certifications (or other records demonstrating compliance with the commercial time limits rules for programming that targets children ages 12 and under) on an *annual* basis by January 30, instead of quarterly by the tenth day following the end of each quarter (and if the 10th falls on a weekend or holiday, then by the first business day after the 10th). Because the FCC’s rule for this new annual deadline will not become effective until January 21, 2020, the fourth quarter 2019 Certification ***must be uploaded by January 10, 2020*** (which is the same fourth quarter deadline that stations have used for a long time) and must cover the period October 1, 2019 – December 31, 2019.

*Fourth Quarter 2019 Issues/Programs Lists Are Still Due to Be Uploaded into OPIF **By January 10**.* TV stations are required to place in their online public inspection files by the tenth day following the end of each quarter (and if the 10th falls on a weekend or holiday, then by the first business day after the 10th) a list of programs that have provided the station’s most significant treatment of community issues during the preceding calendar quarter. All stations must upload Quarterly Issues/Programs Lists to the FCC’s online public inspection file (“OPIF”) system hosted on the FCC’s OPIF website (<https://publicfiles.fcc.gov>), where they must remain for the duration of the station’s license term. The deadline for uploading Issues/Programs Lists has not been changed, which means that the deadline for your station’s Issues/Programs List for fourth quarter 2019 (October 1 – December 31, 2019) to be uploaded is ***still January 10, 2020***. This deadline has not been extended or delayed; all full power and Class A TV stations must upload their fourth quarter 2019 Issues/Programs List to the OPIF (<https://publicfiles.fcc.gov/admin/>) by January 10, 2020.

*Fourth Quarter 2019 Class A TV Eligibility Certifications Are Still Due to Be Uploaded into OPIF **By January 10**.* Each Class A TV station must maintain documentation sufficient to demonstrate that the station is continuing to meet the eligibility requirements to operate as a Class A TV station. These records should be uploaded to the station’s online public file in the FCC’s OPIF system (<https://publicfiles.fcc.gov>) by the tenth day following the end of each quarter (and if the 10th falls on a weekend or holiday, then by the first business day after the 10th) and should remain in the public file thereafter. The deadline for uploading Issues/Programs Lists has not been changed, which means that each Class A TV station’s Eligibility Certification for fourth quarter 2019 (October 1 – December 31, 2019) must still be uploaded by ***January 10, 2020***. This deadline has not been extended or delayed; all Class A TV stations must upload their fourth quarter 2019 Issues/Programs List to the OPIF (<https://publicfiles.fcc.gov/admin/>) by January 10, 2020.

OPIF Time/Date Stamp. Remember, the FCC’s OPIF system “date-stamps” all uploads, so it will be readily obvious to the FCC if you don’t timely upload—by January 10, 2020—your children’s commercial time limits certification, Issues/Programs List, or Class A Eligibility Certification covering the fourth quarter of 2019.

Happy Holidays! Happy holidays to you and yours from all of us! (And from the FCC . . .)

Tim Nelson, Editor

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

Mark J. Prak
Marcus W. Trathen
David Kushner
Coe W. Ramsey
Stephen Hartzell
Julia C. Ambrose
Elizabeth E. Spainhour
J. Benjamin Davis
Timothy G. Nelson
Patrick Cross

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.

© 2019 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.