



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

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MARCH 30, 2020: Deadline for First Annual Children's Television Programming Report Filings

We write to remind all television broadcasters that the deadline for filing the first annual Children's Television Programming Reports will be here in one week. The deadline is **Monday, March 30, 2020** (and yes, you read that correctly—the deadline is **not** on the last day of the month). As of this writing, the FCC has not announced any extension or suspension of the deadline as a result of the rapidly evolving circumstances surrounding COVID-19, so TV broadcasters should assume that the March 30, 2020, deadline will remain in place. (Of course, in the event that any such extension or suspension occurs, we will notify you as soon as possible.)

As you may recall from our earlier treatment of this first annual children's television programming report, this report will cover only the time period from September 16, 2019, to December 31, 2019, with compliance determined on a pro rata basis. For this first annual report, a station may satisfy its children's programming obligations by either of the different methods

described below (in accordance with the increased flexibility that the revisions to the children's programming rules are designed to provide to broadcasters):

- First, under the new rules, a station may continue to air an average of three hours per week of regularly scheduled Core Programming of at least 30 minutes in length on its primary stream. Accordingly, a station electing to comply in this manner should have aired a total of 45 hours of regularly scheduled Core Programming of at least 30 minutes in length on its primary stream between September 16, 2019, and December 31, 2019.
- Second, under the new rules a station may satisfy its children's programming obligations by taking advantage of the new rules' flexibility, airing at least 45 hours of Core Programming, so long as at least 30 of those 45 hours are regularly scheduled weekly Core Programming of at least 30 minutes in length, as follows:
 - **30 Hours of Regularly Scheduled Weekly Programming:**
 - September 16, 2019 to September 30, 2019: During this period, a station must have aired 4 of the required 30 hours of regularly scheduled weekly Core Programming of at least 30 minutes in length, with up to two of those hours aired on a station's multicast stream.
 - October 1, 2019 to December 31, 2019: During this period, a station must have aired the remaining 26 of the required 30 hours of regularly scheduled weekly Core Programming of at least 30 minutes in length, with up to 13 hours aired on a station's multicast stream.
 - **At Least 15 Hours of Additional Core Programming:** The remaining 15 out of the total required 45 hours of Core Programming may consist of either:
 - Core Programs of at least 30 minutes in length that are not regularly scheduled on a weekly basis, such as educational specials and regularly scheduled non-weekly programming, all of which must have been aired on the station's primary program stream; or
 - Core Programs of at least 30 minutes in length and/or short-form programs less than 30 minutes in length, all of which are not regularly scheduled on a weekly basis but must have been aired on the station's primary program stream.

Additionally, to accommodate the revised rules, the FCC has created a new reporting form. Although the changes from the prior form are too numerous to comprehensively catalog in this memorandum, broadcasters with general questions may wish to consult the FCC's webinar, originally streamed in January 2020, which reviews the changes to the form. A link to the archived webinar presentation (i.e., both the video and audio) is available here: https://www.fcc.gov/sites/default/files/kidvid_webinar.mp4. A link to the slides used in the presentation is available here: <https://www.fcc.gov/sites/default/files/kidvid-form-webinar.pdf>.

Stations with any fact-specific questions regarding their compliance with the revised children's television programming rules, either for this first annual report or going forward, would be well advised to consult with legal counsel.

APRIL 10: Still the Deadline for Upload of First Quarter Issues/Programs Lists for Radio and TV Stations, and Class A Continuing Eligibility Certifications

While we're on the subject of forthcoming deadlines, here are two deadlines that have not changed.

First, all full-power broadcasters (radio and television) should further remember that Issues/Programs Lists for first quarter 2020 are due to be uploaded to the online public inspection file by **April 10, 2020**. The Commission's revisions to the children's television programming rules did **not** alter the longstanding requirement that each Issues/Programs List must be uploaded by the 10th day of the month immediately following the applicable calendar quarter. And, as with the March 30, 2020, deadline for the filing of the first annual children's television programming reports, as of this writing the Commission has not announced any extension or suspension of the first quarter 2020 Issues/Programs List upload date.

Second, for Class A TV stations, the deadline for uploading Class A Eligibility Certifications to the online public file also remains April 10, 2020. This deadline did not change when the FCC revised its children's programming rules either, and, as of this writing, the Commission has not announced any extension or suspension of the Class A Eligibility Certifications upload date.

Of course, we'll let you know if either of these deadlines changes as soon as possible.

APRIL 1: First License Renewal Pre-Filing Announcement for Virginia Television Stations Must Air

At license renewal time, broadcast stations are required to air pre-filing (and post-filing) renewal announcements designed to alert viewers and listeners to the fact that the FCC will be considering their application for license renewal. We write today with a reminder for Virginia television stations that the first of the four license renewal pre-filing announcements must be broadcast on Wednesday, **April 1, 2020**.

Scheduling and Timing of Pre-Filing Announcements. Virginia television stations are required to air the mandatory four pre-filing announcements on April 1, April 16, May 1, and May 16, 2020. At least two of the four pre-filing announcements must air between 7:00 a.m. and 9:00 a.m. and/or 4:00 p.m. and 6:00 p.m. local time.

Content of Pre-Filing Announcements. In terms of content, the pre-filing announcements must contain the following text:

On [date of last license renewal grant], [station's call letters] was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until October 1, 2020.

Our license will expire on October 1, 2020. We must file an application for renewal with the FCC by June 1, 2020. When filed, a copy of this application will be available for public inspection at www.fcc.gov. It contains information concerning this station's performance during the last eight years prior to October 1, 2020.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by September 1, 2020.

Further information concerning the FCC's broadcast license renewal process is available at [station's studio address] or may be obtained from the FCC, Washington, D.C. 20554.

Stations that have not received a renewal grant since the filing of their previous renewal application should use the following paragraph in their pre-filing (and post-filing) announcements in lieu of the first paragraph of each set forth above:

[Station's call letters] is licensed by the Federal Communications Commission to serve the public interest as a public trustee.

Certificate of Broadcast of Announcements. A certificate of broadcast of the pre-filing (and post-filing) announcements must be signed and placed in each station's online public inspection file within 7 days after the last of the announcements airs. For Virginia television stations, that certification must be placed in a station's online public inspection file no later than May 23, 2020—we will send a reminder about this requirement in May.

The pre-filing announcement certification must include (1) a statement indicating the dates and times that each of the pre-filing announcements was broadcast, and (2) a copy of the text of each announcement.

Due Date for License Renewal Applications (and Accompanying EEO Report). Please keep in mind that license renewal applications for Virginia television stations are due no later than **June 1, 2020**.

If Your Station Is Not Familiar with the FCC License Renewal Process If you are a Virginia television station and you aren't familiar with the FCC's license renewal process, we strongly recommend you contact your communications counsel immediately or call the VAB hotline.

More Information About the License Renewal Process. VAB recently hosted a webinar that provides an overview of the 2020 license renewal process for Virginia stations. A link to the archived presentation was previously distributed to members. Please contact the Association office if you need assistance locating the webinar link.

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