July 9, 2021

Legal Memorandum

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| *Deadlines:* | **[TUESDAY, July 13, 2021:](#_TUESDAY,_July_13,)** [Digital Transition Deadline for LPTV and TV Translator Stations](#_TUESDAY,_July_13,)**[TUESDAY, July 13, 2021:](#_C-band_Lump_Sum)** [Deadline for Eligible Full-Power Stations to File for Digital-to-Digital Replacement Translators](#_C-band_Lump_Sum) |
| *Headline:* | [**July 15, 2021:** Effective Date for New Media Bureau Application Fee Schedule](#_New_Media_Application) |

**TUESDAY, July 13, 2021**—Deadline for:

(1) LPTV and TV Translator Stations to Transition to Digital Operations and (2) Eligible Full-Power Stations to File for DTDRTs

We’re now only a few days away from a date that licensees of LPTV and TV translator stations have (hopefully!) circled on their calendars: **July 13, 2021** marks the deadline for LPTV and TV translator stations to transition to digital operations and terminate all analog television operations. And, as stated in a recent FCC [Public Notice](https://docs.fcc.gov/public/attachments/DA-21-786A1.pdf): “**permittees and licensees with a July 13, 2021, digital construction permit expiration date must complete construction of their facilities by that date in order to avoid automatic cancellation of their license and/or digital construction permit**.”

Certain full-power TV licensees likely have the same datehighlighted: **July 13** also serves as the deadline for eligible full-power TV licensees to file for new digital-to-digital replacement translators (“DTDRTs”) to recover lost digital service area that resulted from the spectrum repack.

*LPTV and TV Translator Digital Transition Deadline*. All analog LPTV and TV translator stations with a digital construction permit that has an expiration date of July 13, 2021, must construct their digital facilities by 11:59 p.m. local time on that date and file a license to cover within 10 days of construction. Importantly, the July 13, 2021, digital transition deadline for LPTV and TV translator stations doesn’t merely serve as a deadline by which LPTV and TV translator stations must have constructed operational digital facilities. The deadline also means that **no analog operations will be permitted past 11:59 p.m. local time on July 13**. Accordingly, stations that fail to construct a digital facility by 11:59 p.m. local time on July 13, 2021, must remain silent until construction is completed. Any stations that find themselves in such a circumstance must also comply with the Commission’s rules governing periods of broadcast silence, including by submitting a notification of silence to the Commission after 10 days of silence, and requesting special temporary authority to remain silent (i.e., a silent STA request) for any period of silence expected to last for more than 30 days.

 LPTV and TV translator stations were previously permitted to seek “one last” extension of time pertaining to their digital construction permits. Any such extension requests were due by March 15, 2021—i.e., four months prior to next week’s July 13 transition date. Accordingly, to the extent you believe that you will be unable to construct your digital facilities by July 13, you may wish to contact communications counsel as soon as possible.

As a final note, the FCC has posted a list of the remaining analog LPTV and TV translator stations that have not obtained a digital construction permit to transition to digital operations: <https://www.fcc.gov/sites/default/files/analog_stations_without_a_digital_permit.xlsx>. Although as of this writing the list is approximately one month old (current as of June 9, 2021, as the FCC has not been updating the list), we encourage LPTV and TV translator station licensees and permittees to consult the list to ensure that it does not include their station.

*DTDRT Filing Deadline*. Back in 2015—and against the backdrop of the spectrum repack—the FCC created the DTDRT service for the purpose of assisting full-power stations that lost pre-auction digital service area as a result of transitioning to a new channel. DTDRT eligibility is limited “to full power television stations reassigned in the repacking processthat can demonstrate: (1) a loss of a portion of their pre-auction digital service area; and (2) that the proposed DTDRT will be used solely to fill in such loss areas, subject to an allowance for a *de minimis* expansion of the station’s pre-auction digital service area.” As noted, the DTDRT filing cutoff is July 13, 2021—“one year after the completion” of the post-auction transition period.

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New Media Bureau Application Fee Schedule

Set to Take Effect July 15, 2021

As you may recall, in late December 2020 the FCC issued a [Report and Order](https://docs.fcc.gov/public/attachments/FCC-20-184A1.pdf) instituting the first major overhaul to FCC application fees in more than 30 years (the “Order”). Despite opposition from NAB and others, the Order increases fees for many broadcast applications (while simultaneously lowering fees for many other applications). And now, according to a recent [Public Notice](https://docs.fcc.gov/public/attachments/DOC-373822A1.pdf), some of those new fees—including those applicable to applications falling under the purview of the FCC’s Media Bureau and the Office of Engineering and Technology (“OET”)—will take effect on **July 15, 2021**.

*Background*. From 1986 to 2018, the Commission’s application fee schedule was set by federal law and subject to periodic FCC modification only to the extent changes were required to harmonize the fee schedule with changes in the Consumer Price Index. Although Congress modified the fee schedule a handful of times during that period, until the recent Order the fees had been effectively frozen for more than 30 years.

 Two years ago, however, Congress expanded the Commission’s authority to modify its application fees. Specifically, Congress now requires the Commission to (1) adopt a “schedule of application fees to recover the costs of the Commission to process applications” and (2) amend the schedule, as needed, to reflect increases or decreases in the costs of processing applications or to reflect the consolidation or addition of new fee categories. The Order was issued in response to that congressional directive.

*The New Application Fees*. Although the FCC adopted the new application fees set forth in the Order back in December 2020, the Order explained that the effective date for each new set of fees would be delayed until “information technology systems and internal procedures have been updated, and the Commission publishes notice(s) in the Federal Register announcing the effective date of” the new fees. For most broadcast applications, that time has now come: July 15 marks the first day that the new Media Bureau and OET application fees will be in effect.

As noted above, the fees associated with many broadcast applications will increase. By way of (non-exclusive) example: with respect to commercial TV application fees, full-power TV minor modification applications are increasing from $1,110 to $1,335 and short-form assignment and transfer of control applications are increasing from $160 to $405; with respect to commercial radio application fees, AM minor modification applications are increasing from $1,110 to $1,625 and AM and FM short-form assignment and transfer of control applications are increasing from $160 to $425.

The relevant new fee amounts and categories are set forth below at the end of this memo—you may wish to consult the following tables to avoid “sticker shock” the next time you file an FCC application!

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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.

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**TELEVISION APPLICATION FEES**

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| **Application for Full Power and Class A TV** | **New Fee**  |  | **Application for TV Translators and LPTV Stations** | **New Fee**  |
| Full Power TV, Class A TV, new and major change construction permit  | $4,260 (if no auction) $4,835 (if auction – includes Post-Auction Consolidated Long Form and Short Form Fee) |  | TV translator and LPTV, new or major change construction permit  | $775 (if no auction)$1,350 (if auction – includes Consolidated Long Form and Short Form Fee) |
| Full Power TV, minor modification | $1,335 |  | TV translator and LPTV, new license | $215 |
| Full Power TV, Class A TV, new license | $380 |  | TV translator and LPTV, license renewal | $145 |
| Full Power TV, Class A TV, license renewal | $330 |  | TV translator and LPTV, STA | $270 |
| Full Power TV, Class A TV, license assignment, long form | $1,245 |  | TV translator and LPTV, license assignment | $335 |
| Full Power TV, Class A TV, license assignment, short form | $405 |  | TV translator and LPTV, transfer of control | $335 |
| Full Power TV, Class A TV, transfer of control, long form | $1,245 |  | TV translator and LPTV, call sign | $170 |
| Full Power TV, Class A TV, transfer of control, short form | $405 |  |
| Full Power TV, Class A TV, call sign | $170 |  |
| Full Power TV, Class A TV, STA | $270 |  |
| Full Power TV, petition for rulemaking | $3,395 |  |
| Full Power TV, ownership report | $85 |  |

**RADIO APPLICATION FEES**

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| **Application for Commercial AM Stations** | **New Fee** |  | **Application for Commercial FM Stations** | **New Fee** |
| AM radio new or major change construction permit  | $3,980 (if no auction)$4,555 (if auction – includes Consolidated Long Form and Short Form Fee) |  | FM radio new or major change construction permit  | $3,295 (if no auction) $3,870 (if auction – includes Consolidated Long Form and Short Form Fee) |
| AM radio, minor modification | $1,625 |  | FM radio, minor modification | $1,265 |
| AM radio, new license | $645 |  | FM radio, new license | $235 |
| AM radio, directional antenna | $1,260 |  | FM radio, directional antenna | $630 |
| AM radio, license renewal | $325 |  | FM radio, license renewal | $325 |
| AM radio, license assignment, long-form | $1,005 |  | FM radio, license assignment, long-form | $1,005 |
| AM radio, license assignment, short-form | $425 |  | FM radio, license assignment, short-form | $425 |
| AM radio, transfer of control, long-form | $1,005 |  | FM radio, transfer of control, long-form | $1,005 |
| AM radio, transfer of control, short-form | $425 |  | FM radio, transfer of control, short-form | $425 |
| AM radio, call sign | $170 |  | FM radio, call sign | $170 |
| AM radio, STA | $290 |  | FM radio, STA | $210 |
| AM radio, ownership report | $85 |  | FM radio, petition for rulemaking | $3,180 |
|  |  |  | FM radio, ownership report | $85 |

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| **Application for FM Translators** | **New Fee**  |
| FM translator new or major change construction permit  | $705 $1,280 (if auction – includes Consolidated Long Form and Short Form Fee) |
| FM translator, minor modification | $210 |
| FM translator, new license | $180 |
| FM translator, license renewal | $175 |
| FM translator, STA | $170 |
| FM translator, license assignment | $290 |
| FM translator, transfer of control | $290 |
| FM booster, new or major change construction permit | $705 |
| FM booster, new license fee | $180 |
| FM booster, STA | $170 |