January 12, 2022

FCC’s CDBS Filing Platform to Sunset at **5:00 PM, ET,**

**TODAY, JANUARY 12, 2022**; Broadcasters Must Follow Alternate Filing Procedures

 In a [Public Notice](https://docs.fcc.gov/public/attachments/DA-22-29A1.pdf) (the “Notice”) issued late yesterday, the FCC’s Media Bureau announced that it will be “sunsetting” the Consolidated Database System’s (“CDBS”) filing functionality today, Wednesday, January 12, 2022, at 5:00 PM, EST. Accordingly, **as of 5:00 PM today, broadcasters will no longer be able to file any applications in the FCC’s CDBS filing platform**.

 According to the Notice, the sudden sunset is required “due to pressing technical issues that prevent the effective use of CDBS going forward.” Although the sudden nature of the sunset is somewhat unanticipated, the technical issues with the CDBS filing platform have been well known for some time and have not shown any signs of resolving, particularly given that [since 2014](https://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0929/DA-14-1386A1.pdf) the FCC has been slowly transitioning all filings to the Licensing Management System (“LMS”) filing platform.

 However, the FCC has not yet transitioned all broadcast applications from CDBS to the LMS filing platform. As a result, today’s CDBS filing sunset means that for the time being broadcasters will need to file **certain** applications and pleadings using interim, email procedures. The Notice indicates that the following CDBS applications and pleadings do not yet have an LMS counterpart, and thus will need to be filed using interim, email procedures:

* AM Application for Construction Permit for Commercial Broadcast Station (CDBS Form 301)
* AM Application for Construction Permit for Reserved Channel Noncommercial Educational Broadcast Station (CDBS Form 340)
* AM Applications for Broadcast Station License (CDBS Form 302)
* Change in official mailing address
* AM Digital Notification (CDBS Form 335-AM)
* All-Digital AM Notification (CDBS Form 335-AM)
* FM Digital Notification (CDBS Form 335-FM)
* Amendments to pending applications previously submitted in CDBS
* For all Radio (i.e., Audio Service) Stations (FM, AM, LPFM, FX):
	+ Special Temporary Authority (STA) Engineering Requests and Extension of Engineering STA
	+ Silent STA / Notification of Suspension / Resumption of Operations / Extension of Silent STA
* For any applications submitted through CDBS or using the interim, email procedures outlined in the Notice: Pleadings (including Petitions to Deny, Informal Objections, Oppositions, Replies, Supplements, Petitions for Reconsideration, Applications for Review, etc.).

Broadcasters who need to file an application or pleading that cannot yet be accepted in LMS—such as any of the above-listed applications or pleadings—will need to take the following actions to comply with the Media Bureau’s interim, email filing procedures:

1. Complete a “PDF” version of the relevant FCC application. No other filing formats will be permitted, except in the limited case of informal “letter” filings (e.g., silent station notifications and certain STA requests), where “Word” format will also be acceptable.
2. Email a copy of the completed PDF application or pleading to audiofilings@fcc.gov in conformance with the following specifications:
	1. The “Subject” line of the email should include the nature of the submission, the call sign and facility ID of the station (if any), and any relevant docket number or file number to which the submission pertains. (E.g., a silent STA request could state the following in the subject line: “Request for Silent STA for WXXX(FM), Facility ID YYYY”; and an informal objection to an application could state the following in the subject line: “Informal Objection to Application for Construction Permit of WXXX, Facility ID YYYY, File No. ZZZZ.”).
	2. The PDF application or pleading should be submitted as an “attachment” to the email.
	3. Where a filing fee is required, pay for the filing via the FCC’s [Commission Registration System](https://apps.fcc.gov/cores/userLogin.do) (“CORES”) and attach to the email an electronic copy of proof of the CORES payment (e.g., a “PDF” version of the automatically generated remittance notification). (Note that although the period of time in which to remit payment for a filing may vary from form to form, generally payment must be made within several days to avoid dismissal of the filing. We have reached out to FCC staff for guidance as to whether the Notice intends to eliminate that “grace period” for remitting payment).

The Notice indicates that failure to follow the foregoing procedures—including by filing an application or pleading using the above procedures when it is already available in LMS—will result in the application or pleading being dismissed. (Note, however, that any filings that currently may be submitted in a paper format will continue to be accepted in paper form using existing procedures for paper filings.)

 As a further caution, the Notice indicates that “email submissions will not include a time stamp such as those provided by CDBS or LMS.” Accordingly, “Media Bureau staff will respond to email submissions with confirmation of receipt and the time and date of submission,” with such confirmation taking 1 to 2 business days from the date of filing. Given that potential temporal gap between filing and confirmation, broadcasters would be well advised to (1) file early where possible and (2) retain a record of their email submissions with time and date information, in the event any questions arise as to on what date the relevant application or pleading was filed.

 Although the Notice indicates that today’s sunset will likely mark the permanent discontinuance of CDBS’s filing functionality, during the ongoing transition period to full LMS filing functionality FCC staff are expected to enter all pertinent information from emailed filings into CDBS. Additionally, the Notice indicates that CDBS will continue to remain available for public searches and CDBS data files. Accordingly, interested broadcasters *should* continue to be able to use CDBS to monitor filings of the limited types set out above, as well as the FCC’s daily public notice releases (for applications and pleadings that require public notice).

 If you recently filed an FCC application or pleading via CDBS or if you were planning to do so today or in the near future, we strongly recommend that you consult with your communications counsel to ensure that your filing will be submitted correctly, timely, and with appropriate proof of payment and submission.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Tim Nelson, Editor*

[BROOKS, PIERCE, McLENDON,](http://www.brookspierce.com/)

 [HUMPHREY & LEONARD, L.L.P.](http://www.brookspierce.com/)

Mark J. Prak
Marcus W. Trathen
David Kushner
Coe W. Ramsey
Stephen Hartzell

Julia C. Ambrose

Elizabeth E. Spainhour

J. Benjamin Davis

Tim Nelson

Patrick Cross

Noah Hock

Micole Little

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

© 2022 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.