March 11, 2022

Legal Memorandum

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# Broadcasters Should Check FCC’s ULS Database to Ensure 6 GHz Information is Accurate and Complete

# to Ensure Interference Protection

By recent [Public Notice](https://docs.fcc.gov/public/attachments/DA-22-236A1.pdf) (the “Notice”) the FCC has urged all 6 GHz licensees, including broadcasters, to both promptly review and maintain accurate and complete information in the Commission’s Universal Licensing System (“ULS”) pertaining to fixed 6 GHz links. According to the Notice, a recent third-party audit of the ULS revealed that “a number of license records contain missing, clearly erroneous, or conflicting information.” Broadcasters should therefore expeditiously review the accuracy of the ULS information for their fixed 6 GHz links—absent accurate ULS information, a station’s fixed 6 GHz links run the risk of being unprotected from harmful interference from recently expanded unlicensed operations.

*Brief Background.* Back in 2020, the FCC adopted a [Report and Order and Further Notice of Proposed Rulemaking](https://docs.fcc.gov/public/attachments/FCC-20-51A1.pdf) (the “Order”) that expanded unlicensed broadband operations in the 6 GHz spectrum band (i.e., 5.925 GHz–7.125 GHz). The Order was a setback for broadcasters, who already have deployed—and rely on—significant electronic newsgathering operations in the 6 GHz band and who had warned the Commission that permitting expanded unlicensed broadband operations in the band could cause harmful interference to those electronic newsgathering operations. For years, broadcasters have used the 6 GHz band for essential broadcast auxiliary services, including video relays and the operation of certain wireless microphones.

*Why the Accuracy of Your ULS Information Matters.* The rules adopted in the Order provide limited protections to broadcasters by requiring many new, unlicensed users of the 6 GHz band to consult an automated frequency coordination (“AFC”) system prior to deploying operations. The AFC system uses broadcasters’ existing operations to establish “exclusion zones” where new unlicensed devices cannot operate.

However, the AFC system is only as effective as the licensee data with which it is populated. That data comes directly from the ULS and includes transmitter and receiver locations, frequencies, bandwidths, antenna polarization, transmitter effective isotropic radiated power (“EIRP”), antenna height, and the make and model of the antenna and equipment used.

It is therefore critical for broadcasters to review their ULS licenses as soon as possible to ensure that all information regarding their fixed 6 GHz links is accurate and complete. Such a prompt review is especially critical given that, according to the Notice, a third party recently reviewed the ULS and reportedly discovered a number of license records with missing, clearly erroneous, or conflicting information. To the extent a station discovers that its actual operations differ from the ULS records, the Notice requests that broadcasters seek to modify those records, both to ensure protection from harmful interference from any other spectrum users and to comport with the FCC requirement to “maintain the continued accuracy of the data in the ULS.” (Note that if frequency coordination is required to remedy incorrect ULS information then it will likely take at least two weeks to go through the necessary coordination processes.)

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# **March 22, 2022:** Deadline for Reimbursement Submissions for Stations Repacked in Phases 6–10

We’re less than two weeks from the reimbursement invoice submission deadline for all broadcasters who are eligible for reimbursement as part of the now-concluded spectrum repack and who were assigned to repack Phases 6–10. As we’ve previously written, the Commission [established](https://docs.fcc.gov/public/attachments/DA-20-1171A1.pdf) firm deadlines by which eligible broadcasters affected by the spectrum repack must submit all remaining reimbursement invoices and other documentation. The remaining deadlines vary based on stations’ assigned transition Phases, as well as by type of broadcast service, as follows:

* **March 22, 2022:** Deadline for final reimbursement submissions from the approximately 440 repacked stations assigned completion dates in Phases 6–10.
* **September 5, 2022:** Deadline for final reimbursement submissions from FM, LPTV, and translator stations, as well as others.

The deadlines are calibrated to try and provide FCC staff sufficient time to process requests prior to the statutorily mandated deadline applicable to the Reimbursement Fund: on July 3, 2023, any unobligated amounts currently earmarked for reimbursement will be released and deposited into the U.S. Treasury.

Recall that expenses are reimbursable when incurred, and therefore can be submitted even while final construction remains ongoing. Importantly, the Commission has taken a hard stance on the current reimbursement deadlines, emphasizing that it does “not anticipate a need to grant extensions of the assigned invoice submission deadlines” for reimbursement, and that extension requests will only be granted in extreme circumstances outside of the requesting entity’s control, such as local zoning or a “force majeure” event.

As a final reminder, recall that each broadcaster seeking reimbursement must retain all documentation relating to reimbursement for a period ending 10 years after the date on which the broadcaster receives final payment from the Reimbursement Fund. All reimbursement request submissions are subject to Commission review to prevent waste, fraud, and abuse; all broadcasters seeking reimbursement may be selected at any time—i.e., before or after a station has received reimbursement—for audits, data validations, and site visits (the latter of which are scheduled to begin this month).

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# **March 13, 2022:** Daylight Saving Time Begins at 2:00 a.m.; AM Stations Should Check Sign-On and Sign-Off Times to Ensure Compliance with Authorizations

As winter continues to slowly subside, 2:00 a.m. on Sunday, March 13, 2022, will mark the beginning of daylight saving time (“DST”) for the vast majority of broadcasters. As we all “spring forward” on Sunday, AM radio stations will want to pay particular attention to the time change as they may operate with a Presunrise Service Authorization (“PSRA”) and/or a Postsunset Service Authorization (“PSSA”). Those stations with PSRAs and PSSAs that are located in communities adhering to DST should make necessary power adjustments to reflect the beginning of daylight saving.

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*Tim Nelson, Editor*

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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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