



Broadcast Newsletter

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NO REGULATORY FEE PAYMENT DEADLINE ANNOUNCED YET

As of publication time, the FCC had still not issued its Report & Order adopting annual regulatory fee amounts and setting deadlines for stations to remit those fees. We anticipate that Order sometime next week, with a likely deadline in the last third of the month for remitting fees. The FCC does not send notices to stations of the amounts and deadlines, so it is up to each station to check for those and timely remit payment. Late payments have a 25% penalty.

Payments are made in the FCC's CORES [system](#), which requires log in with a CORES username and password. Stations can periodically check there to see if their specific regulatory fee bills are available. We will be contacting clients directly with fee information when the FCC's systems are updated.

OCTOBER 4 DEADLINE FOR FILING FORM ONE IN EAS TEST REPORTING SYSTEM

The FCC has issued a public notice announcing October 4, 2024 as the deadline for all EAS participants to complete and file Form One in the EAS Test Reporting System, which can be accessed [here](#). Filers can complete this requirement by updating previously filed forms using the "My Filings" menu option and then selecting the last filed Form One. But stations should be sure to actually submit a new Form One for 2024, and not just log out after reviewing their old one for accuracy.

There are very few exceptions to the filing requirement. They are: (1) LPTV stations that operating as translators of a full power television station; (2) FM broadcast booster stations; (3) FM translator stations that entirely rebroadcast the programming of other local FM broadcast stations, and (4) analog and digital

broadcast stations that operate as satellites or repeaters of a hub station (or common studio or control point if there is no hub station) that rebroadcast 100% of the programming the hub station.

Stations making the filing must file a separate Form One for each EAS decoder, encoder or unit combining decoder/encoder functions. As an aside, while you're confirming equipment information, be sure that all the latest software updates have been made.

We have not heard anything about an EAS National Test this year, and it seems less likely given this reminder public notice, but it is always possible.

IS THE NEW EEO 395-B FORM DUE BY SEPTEMBER 30?

The FCC has officially [announced](#) that broadcasters will **not** have to file the new EEO Form 395-B form by this September 30. The notice confirms that the form was only to be filed after a Media Bureau public notice was published announcing the filing requirement, and since that notice has not issued, no filing will be due. So, check that off your list, and if you were hanging on to payroll records from July or August to use for completion of the form, you can unclutter your desk. The FCC could have easily decided not to issue any statement or notice, so the clarity is helpful. But they were careful to state that the announcement was not intended to alter the legal effect of the Order adopting the requirement.

Speaking of legal effects of Orders, those could be altered in other ways by pending litigation. In footnote 5, the notice captures the number of legal proceedings challenging the FCC's order reinstating the form and data collection requirement. It is safe to say that those legal proceedings produce a tangled mess that will take months to resolve. Even

the challenges filed at the FCC are on hold until the courts rule on the various challenges.

NUMEROUS MAJOR MODIFICATION APPLICATIONS FILED AS FREEZE LIFTED ON AUGUST 20

The FCC received a significant number of Class A television, LPTV and TV translator major modification applications on August 20th, the first date that the television freeze was lifted for such filings. As of publication time, most of those had been accepted for filing and are awaiting FCC staff determination as to whether the changes proposed create mutual exclusivities. When that is determined, the FCC will presumably grant those applications without any conflicts, and then issue a notice for those that do have conflicts announcing a date for technical or settlement amendments.

Without any auction authority from Congress (still no progress there), the FCC will not be able to schedule or hold an auction for any applications that are mutually exclusive and remain with conflicts after the deadline for technical/settlement proposals passes.

New major modification applications can still be filed and will be processed on a first-come, first-served basis, with each new day marking a "cut-off" against later filed applications that may create conflicts.

DATES TO REMEMBER

September 2024

All commercial broadcast stations (unless exempt) will have to pay annual regulatory fees once the FCC issues the order and related public notices. Typically, the deadline to pay falls in the last third of the month. Failure to timely pay regulatory fees results in an automatic fine equal to 25% of the owed fee.

October 1, 2024

Radio and TV Stations located in Florida, Puerto Rico, Virgin Islands, Iowa, Missouri, Alaska,

(October 1, 2024 cont'd from pg 2)

American Samoa, Guam, Hawaii, Marianas Islands, Oregon and Washington: if five (5) full-time employee threshold is met, prepare EEO public file report covering the period from October 1, 2023 – September 30, 2024, upload it to the station online public inspection file and post it on the station website

Mid-Term EEO Review for Radio stations located in Iowa and Missouri: if station employment unit has **eleven (11) or more full-time employees**, an independent **mid-term EEO review** of your last two EEO public file reports by the FCC will occur in connection with the 2023-24 EEO public file report due October 1, and when uploading the report, each station in the SEU must indicate that the SEU has 11 or more full-timers using the “Mid-Term Review” tab in the OPIF settings section. If the SEU has **between five and ten full-time employees**, when uploading the 2023-24 report, each station in the SEU should indicate that the SEU has fewer than 11 full-time employees using the “Mid-Term Review” tab in the OPIF settings section (by doing so, no mid-term review of the SEU will take place)

Mid-Term EEO Review for Television stations located in Florida, Puerto Rico and the Virgin Islands: if station employment unit has **five (5) or more full-time employees**, an independent **mid-term EEO review** of your last two EEO public file reports by the FCC will occur in connection with your upload of the 2023-24 EEO public file report due October 1. By uploading an EEO public file report, the FCC automatically knows that your television station meets the 5 or more full-time employee threshold for a mid-term review. So unlike for radio, there is no OPIF mechanism available or needed for TV stations to specify the number of SEU employees

October 4, 2024

Deadline for all broadcast station EAS Participants to submit Form One in ETRS to provide information about their EAS equipment and other data.

October 10, 2024

TV, Class A, AM & FM Stations (commercial & noncommercial): deadline to complete and upload to online public file the 3rd Quarter 2024 issues/program lists and any foreign sponsorship identification reports

Class A TV Stations Only: deadline to complete and post to your online public file the 3rd Quarter 2024 certification of ongoing Class A eligibility

Noncommercial Broadcast Stations: deadline to complete and post to your online public file the 3rd Quarter 2024 report for any 3rd Party Fundraising conducted during the quarter

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Actual resolution of legal issues depends upon many factors, including variations of facts and applicable Federal laws. This publication is not intended to provide legal advice on specific subjects, rather, it seeks to provide insight into legal developments and issues that we feel could be useful to our clients and friends.

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