



Broadcast Newsletter

IN THIS ISSUE:

OCTOBER 4 DEADLINE FOR FILING FORM ONE IN EAS TEST REPORTING SYSTEM	1
EEO MID-TERM REVIEWS CAN TRIGGER FCC INQUIRIES	1
EEO 395-B FORM NOT DUE BY SEPTEMBER 30.....	2
FCC REGULATORY FEE GLITCHES RAISE QUESTIONS	2
DATES TO REMEMBER.....	2-4

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

The FCC has previously 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, but those include (1) LPTV stations 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 hub station programming.

Stations making the filing must file a separate Form One for each EAS decoder, encoder or unit combining decoder/encoder functions.

EEO MID-TERM REVIEWS CAN TRIGGER FCC INQUIRIES

The FCC Enforcement Bureau’s review of broadcast station EEO compliance at the mid-point of the 8-year license term is ongoing. For radio, these reviews began last summer for station employment units with 11 or more full-time employees. For television stations with five or more full-timers, reviews began this summer. The date for review is tied to the date when stations file their renewal applications (4 months before license expiration).

For example, October 1, 2024 is the date four years after the last renewal application filing deadline for Iowa and Missouri, and therefore radio station employment units in those two states with five or more full-timers will have the

EEO public file report due October 1, 2024 and the prior year's report reviewed by the FCC staff. The same October 1, 2024 review applies to television stations in Florida, Puerto Rico and the U.S. Virgin Islands with five or more full-timers.

We recently received an inquiry from FCC staff during a mid-term review regarding information provided in a prior EEO public file report. Their "audits" of these reports, as is with the case during random EEO audits, is very detailed. If any information required to be on the report is vague, unclear, or missing, stations can expect to receive an email from the Enforcement Bureau. In the instance we experienced, an opportunity was given to "fix" the issue and reload/repost an EEO public file report, but it also came with a warning about the ways in which stations can be held responsible or fined. In particular, lack of required detail on an EEO public file report can lead to an FCC determination that the station is not regularly reviewing its EEO program. Stations should take any inquiry seriously and respond in a timely manner.

If you have questions about when your station's mid-term review will be, let us know. Radio stations with 11 or more full-timers do have to respond to an online public file question as to whether the employment unit has fewer or more than 11 employees. This prompt appears when the EEO public file report is being uploaded.

EEO 395-B Form NOT DUE BY SEPTEMBER 30

Speaking of EEO, we are still getting emails and calls about the potential need to file EEO Form 395-B by the end of this month, and so wanted to repeat here that the FCC officially [announced](#) about one month ago that broadcasters do **NOT** need to do so. The future of that form, and any need to file it next year, is being determined by ongoing legal challenges in multiple forums. Resolution of those proceedings is likely several months away.

FCC REGULATORY FEE GLITCHES RAISE QUESTIONS

For commercial stations, the September 26 regulatory fee deadline has passed, with any late fees having the privilege of paying a 25% penalty.

The FCC's order adoption process was later than normal, and all of the systems came on line several days later, but with data errors. Once those were reported to the FCC, the staff actually took the unprecedented step of suspending the payment systems to correct geographic contour data before announcing that payments could resume.

Even then, despite per-station fees being corrected, some stations were improperly labeled within the regulatory fee system. Other residual issues remained and required one-by-one corrections, especially with stations being shown as "feeable" when in fact they should have been exempt. Despite the confusion, the FCC maintained the originally announced payment deadline.

While we've certainly seen some of the minor regulatory fee issues in prior years, the data glitches and start/stop/start approach raise questions as to the FCC's internal processes. We hope that their after-action review leads to improvements so that every regulatory fee procedure, from order adoption through payment, can be improved.

If stations that paid regulatory fees before the FCC corrected the contour data are concerned about potential overpayment, the number to call is 877-480-3201. The FCC did announce that they were reviewing those early payments and reaching out if they detected a problem.

DATES TO REMEMBER

October 1, 2024

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

December 1, 2024

Radio and TV Stations located in Alabama, Georgia, Colorado, Minnesota, Montana, North Dakota, South Dakota, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont: if five (5) full time employee threshold is met, prepare EEO public file report covering the period from December 1, 2023 – November 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 Colorado, Minnesota, Montana, North Dakota and South Dakota: 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 December 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 is 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 Alabama and Georgia: 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 December 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

Full Power TV, Class A, and LPTV Stations: Deadline to file FCC Form 2100, Schedule G, and pay 5% of gross revenues from any ancillary or supplementary services provided between October 1, 2023 and September 30, 2024. NCE TV stations pay on 2.5% of gross revenue. Ancillary and supplemental services do not include free over the air video content, but do include computer software distribution, data transmissions, teletext, interactive materials, aural messages, paging services, or audio signals, and subscription video. Stations that provided no such services do not have to file a report.

January 10, 2025

TV, Class A, AM & FM Stations (commercial & noncommercial): deadline to complete and upload to online public file the 4th 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 4th Quarter 2024 certification of ongoing Class A eligibility.

Noncommercial Broadcast Stations: deadline to complete and post to your online public file the 4th Quarter 2024 report for any 3rd Party Fundraising conducted during the quarter.

January 30, 2025

All Commercial Full Power and Class A Television Stations – deadline to complete and submit the 2024 children’s television report in LMS **and** separately upload children’s television commercial limits certifications for all of 2024 in the station online public file.

January 31, 2025

Web Streaming Stations: deadline to remit annual license fee and related statement of account with SoundExchange for the statutory license allowing streaming of sound recordings on the web. Payment can be made on SoundExchange’s online filing portal “Licensee Direct.”

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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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