
2017 Broadcasters' Calendar

Items of Note in 2017

- I. *Prohibition on Certain Communications:* As of the date of this publication, all full-power and Class A television licensees that were eligible to participate in the reverse auction remain subject to the FCC's rules prohibiting communications about bids and bidding strategies in the Broadcast Incentive Auction. This "quiet period" will continue until the FCC declares the Auction is over and announces the results.
- II. *Online Public Inspection File for TV and "First Wave" Radio Stations:* On January 29, 2016, the FCC extended the online public inspection file rules that were previously applicable only to broadcast television stations to broadcast radio stations. Effective as of June 24, 2016, radio stations located in the top-50 Nielsen Audio markets with five or more full-time employees ("First Wave Radio Stations") must upload all public file materials (with the exception of letters and emails from the public) on a going-forward basis to the FCC-hosted online file. Effective as of December 24, 2016, First Wave Radio Stations must have uploaded all existing public file documents—with the exception of letters and emails from the public, and political file materials from before June 24, 2016—to the online file. For First Wave Radio Stations and all full-power and Class A TV stations, references herein to the public inspection file refer to the station's *online* public inspection file. The FCC's online public file requirements will take effect for all other radio stations in 2018. The FCC has issued a *Notice of Proposed Rulemaking* considering the elimination of the requirement to maintain letters and email from the public, which stations must currently maintain in their local public inspection files. That proceeding remains pending at this time.
- III. *Noncommercial Biennial Ownership Report on Form 323-E:* On January 8, 2016, the FCC adopted changes to the noncommercial ownership report form and established a single national filing deadline for all noncommercial radio and television broadcast stations like the one that the FCC previously designated for all commercial radio and television stations. On December 20, 2016, the FCC suspended the existing biennial filing requirement for noncommercial stations that would otherwise be required to file biennial ownership reports on Forms 323-E prior to the December 1, 2017 uniform deadline (i.e., on February 1, April 1, June 1, August 1, or October 1, 2017). Accordingly, **all noncommercial radio and television stations** must file their biennial ownership reports on Form 2100, Schedule 323-E by December 1, 2017, with information current as of October 1, 2017, and file biennially thereafter. The state-by-state deadlines will no longer apply.
- IV. *Broadcast Annual Employment Report on FCC Form 395-B:* The FCC suspended use of this form in 2001 in connection with the revision of its EEO Rule. In 2004, the FCC announced that it would

resume use of the form and would advise the broadcast industry of the due date for the first filing of the reinstated form. As of the date of this publication, no such announcement has been made. Broadcasters should be alert to a future announcement regarding the possible reinstatement of this filing requirement. While the Form 395-B is currently suspended, other important EEO outreach and reporting obligations remain in effect, and their 2017 deadline dates are noted in this Calendar.

- V.** *Applications for Renewal of License:* The three-year long license renewal cycle for broadcast stations in television services (television, Class A, LPTV, TV Translator), which began on June 1, 2012, ended in 2015 and will not begin again until June 1, 2020. The renewal cycle for radio services (AM, FM, FM Translator, LPFM), which ended in 2014, will not begin again until June 1, 2019.

Disclaimer

The following deadlines are based on information known by us as of the date hereof. These deadlines may or may not apply to any particular broadcaster. These deadlines are provided for general informational purposes only and should be double-checked for currency close to each pertinent date/deadline. Actions by the FCC, Congress, or the courts could affect any of these deadlines by, for example, eliminating a particular reporting/filing obligation altogether or modifying the form used, content, deadline, fee, or manner of reporting/filing. It should also be noted that, as a general rule, when a deadline for filing a document with the FCC falls on a weekend or a federal holiday, the filing deadline will shift to the next business day. The listing of deadlines below is not intended to be complete or exhaustive of all regulatory and non-regulatory deadlines that may apply to a given broadcaster year-to-year. Accordingly, broadcasters should seek the advice of communications counsel in each instance to assure timely and proper filing. This edition of our annual "Broadcasters' Calendar" supersedes all prior editions and accordingly any prior editions should no longer be used.

January 1

Closed Captioning of Internet Video Clips—Beginning on this date, Internet video clips that contain montages or compilations made from clips of video content must be captioned if the associated programming was shown on television in the United States with captions.

January 10

Quarterly Issues/Programs List Required—All full-power radio, full-power television, and Class A television stations must place in their public inspection files by this date the Quarterly Issues/Programs List covering the period October 1, 2016 through December 31, 2016.

Certification of Children's Commercial Time Limitations Required—Commercial full-power and Class A television stations must place in their public inspection files by this date records "sufficient to verify compliance" with the FCC's commercial time limitations in children's programming broadcast during the period October 1, 2016 through December 31, 2016.

FCC Form 398 Children's Programming Report Due—Commercial full-power and Class A television stations must by this date electronically file FCC Form 398 demonstrating their responsiveness to "the educational and informational needs of children" for the period October 1, 2016 through December 31, 2016, and ensure a copy of the form as filed with the FCC is in the station's public inspection file.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period October 1, 2016 through December 31, 2016 and place it in their public inspection files.

January 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and online simulcasters must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending November 30, 2016.

January 31

Copyright Royalty Fee: Annual Minimum Fee Statement of Account Form Due—By this date, most commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must submit the **Minimum Fee Statement of Account Form** and the annual copyright royalty fee to SoundExchange. January 31 is also the date by which certain webcasters and simulcasters are eligible to make elections affecting their royalty rates and reporting requirements for the upcoming year. If your radio broadcast station is simulcast or rebroadcast over the Internet, we encourage you to consult qualified counsel with regard to your obligations.

February 1

Annual EEO Public File Report Required—Station Employment Units that have five or more full-time employees and are comprised of radio and/or television stations licensed to communities in **Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, or Oklahoma** must by this date place in their public inspection files and post on their station websites a report regarding station compliance with the FCC's EEO Rule during the period February 1, 2016 through January 31, 2017. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

FCC Form 397 Mid-Term EEO Report Due—Radio Station Employment Units that have eleven or more full-time employees and are comprised of radio stations licensed to communities in **Kansas, Nebraska, or Oklahoma** and Television Station Employment Units that have five or more full-time employees and are comprised of television stations licensed to communities in **Arkansas, Louisiana, or Mississippi** must by this date electronically file with the FCC and place in their public inspection files the Mid-Term EEO Report on FCC Form 397. The Station Employment Unit's last two EEO Public File Reports must be submitted with the Form 397. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

February 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending December 31, 2016.

March 17

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending January 31, 2017.

April 1

Annual EEO Public File Report Required—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, or Texas** must by this date place in their public inspection files and post on their station websites a report regarding station compliance with the FCC's EEO Rule during the period April 1, 2016 through March 31, 2017. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

FCC Form 397 Mid-Term EEO Report Due—Radio Station Employment Units that have eleven or more full-time employees and are comprised of radio stations licensed to communities in **Texas** and **Television Station Employment Units that have five or more full-time employees** and are comprised of television stations licensed to communities in **Kentucky, Indiana, or Tennessee** must by this date electronically file with the FCC and place in their public inspection files the Mid-Term EEO Report on FCC Form 397. The Station Employment Unit's last two EEO Public File Reports must be submitted with the Form 397. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory. ***Note that because this filing deadline falls on a weekend, the submission of this item to the FCC may be made on April 3.***

April 10

Quarterly Issues/Programs List Required—All full-power radio, full-power television, and Class A television stations must place in their public inspection files by this date the Quarterly Issues/Programs List covering the period January 1, 2017 through March 31, 2017.

Certification of Children's Commercial Time Limitations Required—Commercial full-power and Class A television stations must place in their public inspection files by this date records "sufficient to verify compliance" with the FCC's commercial time limitations in children's programming broadcast during the period January 1, 2017 through March 31, 2017.

FCC Form 398 Children's Programming Report Due—Commercial full-power and Class A television stations must by this date electronically file FCC Form 398 demonstrating their responsiveness to "the educational and informational needs of children" for the period January 1, 2017 through March 31, 2017, and ensure a copy of the form as filed with the FCC is in the station's public inspection file.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period January 1, 2017 through March 31, 2017 and place it in their public inspection files.

April 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending February 28, 2017.

May 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must submit by this date the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending March 31, 2017.

June 1

Annual EEO Public File Report Required—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Arizona, the District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia or Wyoming** must by this date place in their public inspection files and post on their station websites a report regarding station compliance with the FCC's EEO Rule during the period June 1, 2016 through May 31, 2017. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

FCC Form 397 Mid-Term EEO Report Due—Radio Station Employment Units that have eleven or more full-time employees and are comprised of radio stations licensed to communities in **Arizona, Idaho, Nevada, New Mexico, Utah, or Wyoming** and **Television Station Employment Units that have five or more full-time employees** and are comprised of television stations licensed to communities in **Michigan or Ohio** must by this date electronically file with the FCC and place in their public inspection files the Mid-Term EEO Report on FCC Form 397. The Station Employment Unit's last two EEO Public File Reports must be submitted with the Form 397. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

June 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit to SoundExchange the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending April 30, 2017.

July 1

Closed Captioning of Live and Near-Live Programs on the Internet—Beginning on this date, live programs that are placed online must be captioned within 12 hours of airing on television. In addition, all near-live programs (i.e., programs recorded less than 24 hours before being aired for the first time) that are placed online must be captioned within 8 hours of airing on television.

July 10

Quarterly Issues/Programs List Required—All full-power radio, full-power television, and Class A television stations must place in their public inspection files by this date the Quarterly Issues/Programs List covering the period April 1, 2017 through June 30, 2017.

Certification of Children's Commercial Time Limitations Required—Commercial full-power and Class A television stations must place in their public inspection files by this date records "sufficient to verify compliance" with the FCC's commercial time limitations in children's programming broadcast during the period April 1, 2017 through June 30, 2017.

FCC Form 398 Children's Programming Report Due—Commercial full-power and Class A television stations must by this date electronically file FCC Form 398, demonstrating their responsiveness to "the educational and informational needs of children" for the period April 1, 2017 through June 30, 2017, and ensure a copy of the form as filed with the FCC is in the station's public inspection file.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period April 1, 2017 through June 30, 2017 and place it in their public inspection files.

July 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending May 31, 2017.

July 31

Copyright Royalty Claims Due—Television stations with locally-produced programming whose signals were carried as distant signals by at least one cable or satellite system in 2016 are eligible to file royalty claims for compensation with the Copyright Office in Washington, DC by this date. Under the federal Copyright Act, cable systems and satellite operators must pay "compulsory license" royalties to carry distant TV signals on their systems. The royalties are used to compensate the owners of copyrighted works broadcast on those signals. Stations that do not file claims by the deadline will not be able to collect royalties for carriage of their signals during 2016.

August

Regulatory Fees Announced—The FCC is expected to release a Public Notice this month indicating the date by which annual regulatory fees must be filed with the FCC and the amounts of those fees. Broadcasters should remain alert for this announcement.

August 1

Annual EEO Public File Report Required—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **California, Illinois, North Carolina, South Carolina, or Wisconsin** must by this date place in their public inspection files and post on their station websites a report regarding station compliance with the FCC's EEO Rule during the period August 1, 2016 through July 31, 2017. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

FCC Form 397 Mid-Term EEO Report Due—Radio Station Employment Units that have eleven or more full-time employees and are comprised of radio stations licensed to communities in **California** and **Television Station Employment Units that have five or more full-time employees** and are comprised

of television stations licensed to communities in **Illinois or Wisconsin** must by this date electronically file with the FCC and place in their public inspection files the Mid-Term EEO Report on FCC Form 397. The Station Employment Unit's last two EEO Public File Reports must be submitted with the Form 397. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

August 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending June 30, 2017.

September 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending July 31, 2017.

September 30

EEO 1 Report Due—Broadcasters that are subject to the federal Equal Employment Opportunity Commission's (EEOC) reporting requirements must file their EEO 1 Report (Form 100) by this date. We encourage you to consult with counsel on the filing and visit <http://www.eeoc.gov/employers/eeo1survey/>.

October 1

Annual EEO Public File Report Required—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Alaska, Florida, Hawaii, Iowa, Missouri, Oregon, Washington, American Samoa, Guam, the Mariana Islands, Puerto Rico, Saipan, or the Virgin Islands** must by this date place in their public inspection files and post on their station websites a report regarding station compliance with the FCC's EEO Rule during the period October 1, 2016 through September 30, 2017. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

FCC Form 397 Mid-Term EEO Report Due—Radio Station Employment Units that have eleven or more full-time employees and are comprised of radio stations licensed to communities in **Alaska, Hawaii, Oregon, Washington, American Samoa, Guam, the Mariana Islands, or Saipan** and **Television Station Employment Units that have five or more full-time employees** and are comprised of television stations licensed to communities in **Iowa or Missouri** must by this date electronically file with the FCC and place in their public inspection files the Mid-Term EEO Report on FCC Form 397. The Station Employment Unit's last two EEO Public File Reports must be submitted with the Form 397. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory. ***Note that because this filing deadline falls on a weekend, the submission of this item to the FCC may be made on October 2.***

October 10

Quarterly Issues/Programs List Required—All full-power radio, full-power television, and Class A television stations must place in their public inspection files by this date the Quarterly Issues/Programs List covering the period July 1, 2017 through September 30, 2017.

Certification of Children's Commercial Time Limitations Required—Commercial full-power and Class A television stations must place in their public inspection files by this date records "sufficient to verify compliance" with the FCC's commercial time limitations in children's programming broadcast during the period July 1, 2017 through September 30, 2017.

FCC Form 398 Children's Programming Report Due—Commercial full-power and Class A television stations must by this date electronically file FCC Form 398, demonstrating their responsiveness to "the educational and informational needs of children" for the period July 1, 2017 through September 30, 2017, and ensure a copy of the form as filed with the FCC is in the station's public inspection file.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period July 1, 2017 through September 30, 2017 and place it in their public inspection files.

October 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending August 31, 2017.

November 3

EAS Foreign Language Reporting Requirement—By this date, Emergency Alert System ("EAS") Participants must prepare and submit to their respective State Emergency Communications Committees a description of their efforts and activities to make available EAS alert message content to persons who communicate in languages other than English.

November 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending September 30, 2017.

December 1

FCC Form 323 Biennial Ownership Report Due—All commercial radio, television, low power television, and Class A television stations must electronically file by this date their biennial ownership reports on FCC Form 323 and pay the required FCC filing fee. FCC Form 323 as filed must be placed in stations' public inspection files. ***Note that the FCC has adopted changes to the commercial ownership report form, which, as of the date of this publication, have not yet gone into effect. Upon publication of OMB approval of the new form in the Federal Register, FCC Form 323 will be superseded by FCC Form 2100, Schedule 323.***

FCC Form 2100, Schedule 323-E Biennial Ownership Report Due—All noncommercial radio and television stations must electronically file by this date their biennial ownership reports on FCC Form 2100, Schedule 323-E. FCC Form 2100, Schedule 323-E does not require a filing fee. The form as filed must be placed in stations' public inspection files. Note that this unified national deadline for noncommercial biennial ownership reports permanently replaces the prior state-by-state deadlines.

Annual EEO Public File Report Required—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, or Vermont** must by this date place in their public inspection files and post on their station websites a report regarding station compliance with the FCC's EEO Rule during the period December 1, 2016 through November 30, 2017. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

FCC Form 397 Mid-Term EEO Report Due—Radio Station Employment Units that have eleven or more full-time employees and are comprised of radio stations licensed to communities in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island or Vermont** and **Television Station Employment Units that have five or more full-time employees** and are comprised of television stations licensed to communities in **Colorado, Minnesota, Montana, North Dakota, or South Dakota** must by this date electronically file with the FCC and place in their public inspection files the Mid-Term EEO Report on FCC Form 397. The Station Employment Unit's last two EEO Public File Reports must be submitted with the Form 397. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

FCC Form 2100, Schedule G, Annual DTV Ancillary/Supplementary Services Report Due (formerly FCC Form 317)—Commercial television, digital Class A television, and digital LPTV stations must by this date electronically file FCC Form 2100, Schedule G, the Annual DTV Ancillary/Supplementary Services Report for Commercial Digital Television Stations, with the FCC whether or not they have received any income from transmitting ancillary or supplementary services. If a digital station provided ancillary or supplementary services during the 12-month time period ending on the preceding September 30, and received compensation for doing so, the station is required to pay to the FCC five percent of the gross revenue from such services concurrently with the filing of Form 2100, Schedule G.

December 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those simulcasting radio programming over the Internet must by this date submit the Monthly Report of Use and Monthly Usage Statement of Account forms to SoundExchange for the month ending October 31, 2017.

For further information about this Advisory, please contact any of the following attorneys in the Communications Practice Group.

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