

FCC Addresses FM Translator Interference

The FCC has adopted a *Notice of Proposed Rulemaking* (FCC 18-60) in Docket 18-119, proposing changes that the agency says would streamline the FM translator interference rules and expedite the resolution of interference complaints related to translators. Specifically, the Commission proposes:

- to allow FM translators to resolve interference issues by moving to any available same-band channel as a minor modification application;
- to require a minimum number of listener complaints as the basis for an interference claim;
- to standardize the requirements for the listener complaint;
- to expedite the listener complaint resolution procedure;
- to establish an outer contour of the affected station to define the area in which interference complaints would be actionable; and
- to modify the scope of the permissible interference complaint for translator applications.

The Commission said that in 1990, there were approximately 1,850 licensed FM translators in the United States. By the end of 2017, that number had grown to about

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LPTV Special Displacement Filing Window Extended to June 1

The FCC has extended the LPTV Special Displacement Filing Window until June 1. This window will provide an opportunity for low power television and television translator stations (collectively “LPTV”) that have been displaced by full power or Class A stations as a result of the incentive auction or the post-auction repack to apply for open channels. The current freeze on the filing of LPTV modification applications is temporarily lifted for this filing window and will be reimposed when the window closes. The window was originally scheduled to close on May 15. The Commission said that this extension “would allow applicants further time to analyze data and other information and to prepare or make changes to their applications accordingly.”

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C-Band Downlinks Frozen; Window Open for Completing Registrations Until July 18

The FCC has announced a freeze on the filing of applications for new or modified facilities for fixed-satellite service (“FSS”) earth station licenses, receive-only earth station registrations, and fixed microwave licenses (“FS”) in the 3.7-4.2 GHz frequency band. These frequencies host the downlink channels for satellite communications in what is often called the “conventional C-Band.” The purpose of the freeze is to stabilize the environment in this band pending Commission action in its ongoing inquiry into the possibility of authorizing additional services in this band, including mobile broadband and increased fixed service operations. This action was announced in a Public Notice (DA 18-398) jointly released by the International, Public Safety & Homeland Security, and Wireless Telecommunications bureaus.

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Auction 100 Settlement Window Is May 24 – June 14

The FCC's Media Bureau and Wireless Telecommunications Bureau have released a Public Notice (DA 18-332) announcing a filing window for technical amendments and settlements that would resolve the conflicts among groups of mutually exclusive short-form applications for new cross-service FM translator applications that were filed during the Auction 100 filing window at the end of January. The window is scheduled to open on May 24 and close on June 14.

The bureaus have identified 75 mutually exclusive groups involving 160 applications filed in Auction 100. The FCC's anti-collusion rules have prohibited these applicants from communicating with each other about their applications beginning upon the close of the auction filing window on January 31. The anti-collusion rules are now temporarily waived for these mutually exclusive applicants to negotiate settlements. The negotiations can occur prior to the filing window, but the settlement agreements resulting from these negotiations cannot be submitted to the FCC until May 24, and must be filed by June 14. Applicants unable to resolve their conflicts will proceed to the auction and the anti-collusion rules will become effective again.

Settlements can be achieved by way of technical amendments to resolve the conflict or with buy-outs. Technical amendments must comply with the minor-change rule. The amount to be paid for a buy-out in exchange for the dismissal of an application cannot exceed the dismissing applicant's legitimate and prudent expenses incurred in preparing and prosecuting the application. While the Commission prefers universal settlements that resolve all of the conflicts in a mutually exclusive group, it will accept non-universal settlements that produce at least one conflict-free application. Settlements must be reduced to writing and submitted to the Commission with the parties' joint request for the agency's approval. An applicant may also act unilaterally to amend its application so as to remove itself from the conflict. All technical amendments, whether unilateral or filed in the context of a multi-party settlement, must resolve all mutual exclusivities with all other applications and cannot create new conflicts. Applicants who successfully amend their short-form applications so that they pass muster with FCC staff will be invited to file long-form applications.

Empty Ancillary Services Reports No Longer Required

The FCC has amended Section 73.624(g) of its rules to eliminate the requirement for digital television stations to file annual reports about ancillary and supplementary services if the station has not provided such services during the 12-month reporting period. The Commission took this action in a *Report and Order* (FCC 18-41) in Docket 17-264.

Digital television stations are permitted to use a portion of their bandwidth to offer nonbroadcast ancillary or supplementary services in addition to their free over-the-air broadcast television stream. Stations can charge fees for providing these services. The Communications Act directs the FCC, in turn, to collect a fee of 5% of the compensation that stations earn from providing such services to third parties. As part of its process for collecting these fees, the Commission has required every station to file an annual Ancillary and Supplementary Services Report in which it discloses the quantity and nature of the services provided and the amount of revenue earned. These reports cover the 12-month period ending September 30 each year, and are due by the following December 1. They are filed on Form 2100, Schedule G (formerly on Form 317). Payment for the 5% fee is to be paid to the FCC at the time the report is filed.

Until now, every station has been required to submit

an annual report, including those who had not provided any such services. Of more than 6,000 stations required to file the report, only 12 actually received income from providing ancillary or supplementary services in 2017. The Commission states that it collected less than \$1,300 in fees from these stations.

In its *Notice of Proposed Rulemaking* in this proceeding, the Commission tentatively concluded that it could fulfill its statutory duty to collect these fees without requiring thousands of stations who had nothing to report to file forms. The agency subsequently waived this requirement for such stations for the period ending September 30, 2017, pending the outcome of this proceeding. Now, on the basis of comments received and its experience in collecting large numbers of such filings in which no ancillary or supplementary services were reported, the Commission has decided that the requirement to prepare and file this report without regard to whether the station has offered any ancillary services "imposes unnecessary regulatory burdens and wastes resources." Accordingly, the rule was amended so that stations who do not provide ancillary or supplementary services will no longer be required to file the report.

**AUCTION 100
SETTLEMENT PERIOD FOR MUTUALLY EXCLUSIVE
CROSS-SERVICE FM TRANSLATOR APPLICANTS
May 24 – JUNE 14, 2018**

**FILING WINDOW FOR APPLICATIONS
TO REGISTER OR LICENSE EXISTING
SATELLITE EARTH STATIONS IN 3.7-4.2 GHZ BAND
APRIL 19 – JULY 18, 2018**

FCC Addresses FM Translator Interference continued from page 1

7,575, and there were more than 700 outstanding construction permits for new stations yet to be constructed. This dramatic increase in the number of operating stations has coincided with a significant increase in the number of complaints about interference caused by translators to other FM stations. The proposals in this proceeding result from the Media Bureau's experience in dealing with these complaints and from petitions for rulemaking that were filed in 2017 by the National Association of Broadcasters and Aztec Capital Partners, Inc.

Under the current rules, the Commission has different approaches for predicted interference, which is determined when a translator construction permit application is filed, and actual interference, which is determined after the station begins operating. An FM translator application will not be accepted for filing if the proposed operation would create an overlap of the translator's interfering contour and the protected contour of any other broadcast station, as depicted in the contour overlap tables of Section 74.1204(a). However, even after being accepted for filing, an application will not be granted if, pursuant to Section 74.1204(f), an objector provides "convincing evidence" that the predicted 60 dbu contour of the translator would overlap a "populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station" and "grant of the authorization will result in interference to the reception of such signal." This rule prohibits any interference with another station's signal within the translator's predicted 60 dbu contour even if outside of the other station's protected contour.

As for actual interference, Section 74.1203(a) prohibits actual interference to the "direct reception by the public of the off-the-air signals of any authorized broadcast station" at any time after the translator goes on the air. The Commission has interpreted this rule broadly, placing no geographic restrictions on complaints and accepting complaints involving both stationary and mobile receivers. The complainant must be a bona fide listener with no connection to the station whose signal is being disrupted, and must be willing to cooperate with the translator owner to resolve the problem. The Commission observed that these complaints often lead to long contentious proceedings with allegations that the complainants were not bona fide, that the interference locations were not properly identified, that the engineering data is unreliable, or that complainants failed to cooperate with mediation efforts.

In response to a valid complaint of actual interference, under the current rules, the translator operator must either eliminate the interference or suspend operations. Techniques that might be employed to eliminate the interference without going silent include reducing power, changing channels, modifying the antenna's height, orientation, location or directionality. Outside a filing window for new or major change translator applications, modifications to the translator generally must fall within the definition of a minor change. This limits the channel selection to the co-channel, first, second or third adjacent channels or the intermediate frequency ("IF") channels (which are separated from the original channel by 53 or 54 channels). Geographic relocation

is restricted by the requirement that the proposed new 60 dbu contour must intersect the existing authorized 60 dbu contour. Notwithstanding this rule, the Media Bureau has a "displacement policy" to waive the rule for situations in which a full-power station begins operation with a new or modified facility and interference is predicted to or from a pre-existing translator station. Under this policy, the translator licensee may request a waiver of the minor change restriction and request a move to any open channel.

As a partial solution to relieve this bottleneck, the Commission proposes to allow a translator to move as a minor change to any open channel upon a demonstration that it is causing interference to or receiving interference from any other broadcast station. Channel selection is limited, however, to a channel in the same band as the original facility – i.e., the reserved band below 92 MHz (noncommercial) or the nonreserved band above 92 MHz (generally commercial). A move from one band to the other will be considered a major change. Under the current rules, such a move from one band to the other is a minor change for licensed stations, and a major change for translators with construction permits that have not yet gone on the air.

Under the present rule, one valid listener complaint is enough to form the basis for an objection which the translator must resolve or potentially go off the air. In this proceeding, the Commission proposes to require complaints from a minimum of six listeners using different receivers at different locations for an objection to be actionable. The qualifier about "different locations" is not intended to exclude multiple complaints arising from a multi-unit address such as an apartment building. The agency proposes to adopt the same minimum figure for cases involving both actual and predicted interference. The Commission asks whether six is an appropriate number for the minimum, and whether the minimum requirement should vary with the population within the area experiencing interference or within the entire coverage area of the affected station, and/or in relation to some other variable. Listener complaints about translator interference are most often gathered and submitted to the FCC by the affected station. The requirement for a minimum number of listener complaints would apply to such objections. However, individual members of the public can also file objections independent of the affected station. If a minimum number of complaints is required for a station-sponsored objection, the agency asks what procedures should be used to process solitary objections from individuals.

The Commission observed that establishing the bona fides of listener complaints has been a contentious and time-consuming process. It proposes to reduce the time and effort consumed in such disputes by strengthening the initial information requirements for the bona fide listener complaint. The agency requests comment on these proposed required elements for the complaint:

- Full name and contact information for the complainant;
- A clear, concise, and accurate description of the location where the interference is alleged to occur;

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DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

| | | | |
|--------------|--|---------------|---|
| June 1, 2018 | Deadline to place EEO Public File Report in public inspection file and on station's Internet website for all nonexempt radio and television stations in Arizona, District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia and Wyoming. | July 10, 2018 | Deadline to place Issues/Programs List for previous quarter in public inspection file for all full service radio and television stations and Class A TV stations. |
| June 1, 2018 | Deadline to file EEO Broadcast Mid-term Report for all television stations in employment units with five or more full-time employees in Arizona, Idaho, Nevada, New Mexico, Utah and Wyoming. | July 10, 2018 | Deadline to file quarterly Children's Television Programming Reports for all commercial full power and Class A television stations. |
| June 1, 2018 | Deadline for all broadcast licensees and permittees of stations in Arizona, District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia and Wyoming to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s). | July 10, 2018 | Deadline to file quarterly Transition Progress Reports for television stations subject to modifications in the repack. |
| | | July 10, 2018 | Deadline for noncommercial stations to file quarterly report re third-party fundraising. |

**LPTV SPECIAL DISPLACEMENT
FILING WINDOW
APRIL 10 – JUNE 1, 2018**

Rulemakings To Amend Post-Transition Digital TV Table of Allotments

The FCC is considering amendments proposed to the Post-Transition Digital TV Table of Allotments to add and/or delete the following channels. An asterisk (*) indicates that the channel is reserved for noncommercial use. The deadlines for filing comments and reply comments are shown.

| COMMUNITY | PRESENT CHANNELS | PROPOSED CHANNELS | COMMENTS | REPLY COMMENTS |
|------------------|------------------|-------------------|----------|----------------|
| Bridgeport, CT | 42, 49* | 49 @ | FR+30 | FR+45 |
| Stamford, CT | | 49*@ | FR+30 | FR+45 |
| Block Island, RI | 17 | | FR+30 | FR+45 |
| Newport, RI | | 17 | FR+30 | FR+45 |

@ This proposal includes channel sharing on channel 49 by WEDW and WZME.

FR+N means the filing deadline is N days after publication notice of the proceeding in the Federal Register.

Paperwork Reduction Act Proceedings

The FCC is required under the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

| TOPIC | COMMENT DEADLINE |
|---|------------------|
| Sponsorship identification, Section 73.1212 | May 23 |
| Next Gen TV/ ATSC 3.0 local simulcasting rules, Sections 73.3801, 73.6029, 74.782; Form 2100 | June 14 |
| Next Gen TV on-air notices to consumers, Sections 73.3801(g), 73.6029(g), 74.782(h) | June 14 |
| Next Gen TV broadcaster notices to MVPDs, Sections 73.3801(h), 73.6029(h) 74.782(i) | June 14 |
| Local simulcasting agreements, Section 73.3801(e), 73.6029(e), 74.782(f) | June 14 |
| Applications for consent to assignment or transfer of broadcast authorizations, Forms 314 and 315 | June 18 |
| Application for radio service authorization, Form 601 | July 9 |



DEADLINES TO WATCH



Deadlines for Comments in FCC and Other Proceedings

| DOCKET | COMMENTS | REPLY COMMENTS |
|--------|----------|----------------|
|--------|----------|----------------|

(All proceedings are before the FCC unless otherwise noted.)

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| Docket 18-22; NPRM Encouraging new technologies | May 21 | June 20 |
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| Docket 18-63; NPRM Streamlined reauthorization procedures for assigned or transferred television satellite stations | | May 29 |
|--|--|--------|

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|---|--------|---------|
| Docket 18-92; NPRM Cable channel lineup requirements | May 31 | June 15 |
|---|--------|---------|

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| Docket 18-122; Public Notice Expanding shared use of 3.7-4.2 GHz band | May 31 | June 15 |
|--|--------|---------|

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| Docket 18-134; Public Notice Petition for Declaratory Ruling re foreign ownership in Hemisphere Media Group, Inc. | June 4 | June 19 |
|--|--------|---------|

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| U.S. Copyright Office Docket 2005-6; NPRM Copyright royalty reporting practices of cable systems | June 14 | July 6 |
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| Docket 18-119; NPRM FM translator interference | FR+30 | FR+60 |
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| Docket 18-121; NPRM Posting of licenses | FR+30 | FR+45 |
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FR+N means the filing deadline is N days after publication notice of the proceeding in the Federal Register.

Rulemaking To Amend FM Table of Allotments

The FCC is considering an amendment proposed to the FM Table of Allotments to add the following channel. The deadlines for filing comments and reply comments are shown. This proposal includes a tribal priority.

| COMMUNITY | CHANNEL | MHZ | COMMENTS | REPLY COMMENTS |
|-----------------|---------|------|----------|----------------|
| Connerville, OK | 247A | 93.7 | May 29 | June 13 |

Lowest Unit Charge Schedule for 2018 Political Campaign Season

During the 45-day period prior to a primary election or party caucus and the 60-day period prior to the general election, commercial broadcast stations are prohibited from charging any legally qualified candidate for elective office (who does not waive his or her rights) more than the station's Lowest Unit Charge ("LUC") for advertising that promotes the candidate's campaign for office. Lowest-unit-charge periods are imminent in the following states.

| STATE | ELECTION EVENT | DATE | LUC PERIOD |
|----------------------|-------------------|----------|--------------------|
| Alabama | State Primary | June 5 | Apr. 21 - June 5 |
| Alaska | State Primary | Aug. 21 | July 7 - Aug. 21 |
| Arizona | State Primary | Aug. 28 | July 14 - Aug. 28 |
| Arkansas | State Primary | May 22 | Apr. 7 - May 22 |
| California | State Primary | June 5 | Apr. 21 - June 5 |
| Colorado | State Primary | June 26 | May 12 - June 26 |
| Connecticut | State Primary | Aug. 14 | June 30 - Aug. 14 |
| Delaware | State Primary | Sept. 6 | July 23 - Sept. 6 |
| District of Columbia | State Primary | June 19 | May 5 - June 19 |
| Florida | State Primary | Aug. 28 | July 14 - Aug. 28 |
| Georgia | State Primary | May 22 | Apr. 7 - May 22 |
| Guam | Territory Primary | Aug. 25 | July 11 - Aug. 25 |
| Hawaii | State Primary | Aug. 11 | July 27 - Aug. 11 |
| Iowa | State Primary | June 5 | Apr. 21 - June 5 |
| Kansas | State Primary | Aug. 7 | June 23 - Aug. 7 |
| Kentucky | State Primary | May 22 | Apr. 7 - May 22 |
| Maine | State Primary | June 12 | Apr. 28 - June 12 |
| Maryland | State Primary | June 26 | May 12 - June 26 |
| Massachusetts | State Primary | Sept. 18 | Aug. 4 - Sept. 18 |
| Michigan | State Primary | Aug. 7 | June 23 - Aug. 7 |
| Mississippi | State Primary | June 5 | Apr. 21 - June 5 |
| Minnesota | State Primary | Aug. 14 | June 30 - Aug. 14 |
| Missouri | State Primary | Aug. 7 | June 23 - Aug. 7 |
| Montana | State Primary | June 5 | Apr. 21 - June 5 |
| Nevada | State Primary | June 12 | Apr. 28 - June 12 |
| New Hampshire | State Primary | Sept. 11 | Aug. 28 - Sept. 11 |
| New Jersey | State Primary | June 5 | Apr. 21 - June 5 |
| New Mexico | State Primary | June 5 | Apr. 21 - June 5 |
| New York | State Primary | June 26 | May 12 - June 26 |
| North Dakota | State Primary | June 12 | Apr. 28 - June 12 |
| Oklahoma | State Primary | June 26 | May 12 - June 26 |
| Rhode Island | State Primary | Sept. 12 | Aug. 29 - Sept. 12 |
| South Carolina | State Primary | June 12 | Apr. 28 - June 12 |
| South Dakota | State Primary | June 5 | Apr. 21 - June 5 |
| Tennessee | State Primary | Aug. 2 | June 18 - Aug. 2 |
| Utah | State Primary | June 26 | May 12 - June 26 |
| Vermont | State Primary | Aug. 14 | June 30 - Aug. 14 |
| Virgin Islands | Territory Primary | Aug. 4 | June 20 - Aug. 4 |
| Virginia | State Primary | June 12 | Apr. 28 - June 12 |
| Washington | State Primary | Aug. 7 | June 23 - Aug. 7 |
| Wisconsin | State Primary | Aug. 14 | June 30 - Aug. 14 |
| Wyoming | State Primary | Aug. 21 | July 7 - Aug. 21 |



DEADLINES TO WATCH



Cut-Off Date for FM Booster Applications

The FCC has accepted for filing the applications for new FM booster stations as described below. The deadline for filing petitions to deny these applications are indicated. Informal objections may be filed any time prior to grant of the application.

| COMMUNITY | PARENT STATION | CHANNEL | MHZ | FILING DEADLINE |
|--------------|----------------|---------|-------|-----------------|
| Hazleton, PA | WGGY | 267 | 101.3 | June 11 |
| Houston, TX | KFNC | 248 | 97.5 | June 11 |
| Parowan, UT | KCHG | 205 | 88.9 | June 11 |

**SETTLEMENT WINDOW
FOR FULL POWER AND CLASS A TV STATIONS
TO RESOLVE CONFLICTS BETWEEN
POST-INCENTIVE AUCTION APPLICATIONS
MAY 1 – JULY 30, 2018**

**AUCTION NO. 83
FM TRANSLATOR CONSTRUCTION PERMITS**
Upfront Payments Due May 31, 2018, 6:00 pm ET
Mock Auction June 19, 2018
Bidding Begins June 21, 2018

Cut-Off Date for AM and FM Applications to Change Community of License

The FCC has accepted for filing the AM and FM applications identified below proposing to change each station's community of license. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **July 10, 2018**. Informal objections may be filed anytime prior to grant of the application.

| PRESENT COMMUNITY | PROPOSED COMMUNITY | STATION | CHANNEL / FREQUENCY |
|-------------------|----------------------|----------|---------------------|
| Granite City, IL | St. Louis, MO | WGNU(AM) | N/A 920 |
| Bloomington, IN | Trafalgar, IN | WTTS | 222 92.3 |
| Morristown, IN | Greenfield, IN | WJCF-FM | 201 88.1 |
| Malvern, IA | Ralston, NE | KIMI | 299 107.7 |
| Greenwood, MS | Bolton, MS | WKXG(AM) | N/A 1550 |
| Ralston, NE | Malvern, IA | KMLV | 201 88.1 |
| Elmira, NY | Ridgebury, PA | WCIH | 212 90.3 |
| Knoxville, TN | Maryville, TN | WKVL(AM) | N/A 850 |
| Llano, TX | Granite Shoals, TX | KAJZ | 293 106.5 |
| Nephi, UT | Saratoga Springs, UT | KBJF | 213 90.5 |
| Ogden, UT | Tremonton, UT | KUAO | 201 88.1 |
| Shoshoni, WY | Casper, WY | KWWY | 267 101.3 |
| Shoshoni, WY | Sheridan, WY | KTWY | 248 97.5 |

LPTV Special Displacement Filing Window Extended to June 1 continued from page 1

To qualify to file in this window, an LPTV station must have been licensed, or had a license application pending, as of April 13, 2017. It must also have been displaced by wireless services on channels 38-51, or by repacked full power or Class A stations on channels 2-36.

LPTV stations may apply for any open channel in the repacked band from channel 2 to channel 36. When a new antenna site is necessary or desirable, digital stations are restricted to the area within a radius of 48 kilometers from the reference coordinates of the existing facility's community of license. Analog stations must remain within the radius of 16.1 kilometers from the existing antenna site. With a request for a waiver of the rule against contingent applications, LPTV applicants will be permitted to apply for channels presently occupied but soon to be vacated by full power and Class A stations in the process of relinquishing their spectrum as a result of the auction or the repack.

All applications submitted in this window will

be considered as filed on the last day of the window. Applications filed before the window opened on April 10 by displaced stations that were forced to cease broadcasting on their original channels by the early start-up of wireless operations will also be considered as filed on the last day of the window. Mutually exclusive applicants will have an opportunity to negotiate technical amendments or buy-outs to resolve their conflicts during a post-window settlement period. Conflicts that remain after the settlement period will be resolved by auction.

LPTV licensees who file applications in this Special Displacement Filing Window will be eligible to receive reimbursement for their legitimate expenses incurred in prosecuting their applications and constructing their modifications. Resources for this purpose were recently appropriated by Congress to the TV Broadcaster Relocation Fund. The FCC has not yet established the procedures for claiming this reimbursement.

FCC To Report to Congress on Sharing C-Band

Included in the fiscal year 2018 omnibus spending bill that Congress passed and the President signed in March was legislation known as the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act (also called the MOBILE NOW Act). This law requires the FCC to submit a report to Congress and to the Secretary of Commerce by September 23 addressing the feasibility of allowing commercial wireless services to use or share use of the 3.7-4.2 GHz band. This spectrum is presently allocated for downlinks in the Fixed Satellite Service (“FSS”). Commonly known as the “C-Band,” many broadcasters use these frequencies to receive satellite-delivered programming. (See the story on page one for information on the C-Band freeze and 90-day filing window.)

As part of the process for preparing this report, the Commission’s Office of Engineering and Technology, the International Bureau, and the Wireless Telecommunications

Bureau have released a Public Notice (DA 18-446) soliciting public comment on this topic. Specifically, they ask for comment on the following questions:

- How should the Commission assess the operations and possible impacts of sharing on users already operating in this band?
- How might sharing be accomplished, with licensed and/or unlicensed operations, without causing harmful interference to users already operating in this band, and in which parts of the band would such sharing be feasible?
- What other considerations should the Commission take into account in preparing this report?

Comments responding to this Public Notice are due in Docket 18-122 by May 31. Reply comments must be submitted by June 15.

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- A statement that the complainant listens to the desired station at least twice per month;
- A statement that the complainant has no legal, financial, or familial affiliation with the desired station.

The station submitting an objection must also include a map plotting the location of each alleged interference in relation to the desired station. For an objection about predicted interference, the pleading must also furnish technical information to demonstrate potential interference at each listener location, such as undesired/desired (“U/D”) signal strength data.

The Commission proposes to clarify that listener complaints solicited by the affected station and/or presented in a standardized format, such as a list or a form letter, will not be considered as evidence that a listener is impermissibly affiliated with the complaining station. Similarly, the agency proposes that complaints solicited by a station or its personnel through social media will not be taken as evidence of a disqualifying affiliation between them.

The agency also proposes to clarify that listeners whose complaints are submitted to the FCC by the affected station are not themselves parties to the proceeding, and accordingly do not have ex parte protection. This means that the parties to the proceeding – most likely the licensees of the translator and the affected station – have no obligation to provide them with copies of pleadings or to consult with them about the process.

The FCC proposes that listener complaints that conform to this tighter structure will be presumed to establish the presence of interference at the site in question, which the translator operator must then undertake to eliminate. If the translator operator disputes the complainants’ claims, it must submit technical data to show that the interference does not exist. In the alternative, the translator operator must make whatever modifications are necessary to the translator so as to eliminate the interference and again demonstrate the absence of interference with objective U/D data and standard predicted contours. Complainants would no longer be required to cooperate with the translator operator, and replacing or repairing consumer

equipment would no longer be an available solution without that cooperation. If the remediation process includes on/off tests, the Commission asks what technical standards, if any, should be established regarding location, timing, or receivers. Should there be a deadline for the translator operator to resolve all properly substantiated interference complaints and submit an acceptable technical report? Should the failure to meet such a deadline be cause for an order to suspend translator operations? Should there be a deadline for the Commission to act on interference complaints? Despite the Commission’s aim to make the process more objective, the agency asks whether interference claims based on subjective listener experience should also be considered as a part of the mix regardless of the translator operator’s technical report showing that no interference should continue to exist.

Under the present rules, the Commission will recognize and take action on a listener complaint about translator interference at any location regardless of how far that site may be from the desired station. The Commission proposes in this proceeding to adopt an outer contour limit for actionable complaints. The agency says that this approach is derived from the language in the current versions of the rules referring to interference to “regularly used” broadcast signals. These provisions assume the existence of a signal capable of being regularly received by the public, and therefore should not encourage or permit complaints regarding a signal that is not regularly received. The suggested outer contour limit for both actual and predicted interference is the 54 dbu contour of the desired station. The Commission seeks comment on whether it should adopt such a restriction, and, if so, whether the 54 dbu contour is the optimum choice for this purpose.

The FCC invites public comment on all of these questions. The deadline to file comments in Docket 18-119 will be 30 days after notice of this proceeding is published in the Federal Register. Reply comments will be due 60 days after that publication.

License Posting Rules Set for Revamp

The FCC rules that presently require broadcast stations to post their licenses at the station's control point are under review by the Commission and are being considered for elimination. The Commission proposes this reduction in regulatory burden in a *Notice of Proposed Rulemaking* (FCC 18-61) in Docket 18-121. The licenses for all broadcast stations, broadcast auxiliary stations, and experimental facilities are to be posted at the station's control point or in the room where the transmitter is located. Information concerning pending applications for license renewal is also to be posted with the license. Low power TV and TV and FM translators and boosters are also required to display the name, address and telephone number of the licensee or local representative of the licensee at the transmitter site.

The FCC's predecessor agency, the Federal Radio Commission, first adopted broadcast license posting rules in 1930, but provided no explicit rationale for the requirement.

Subsequent rulings to expand or amend the regulations have been similarly devoid of explanations. From a reading of the current rules, the Commission deduces that their purpose is to ensure that information regarding the station authorizations, ownership and contact information is readily available to the public and to the Commission.

The Commission requests public comment on whether these rules continue to serve the public interest given that most of the information required to be displayed is now available through electronic means in the CDBS or LMS databases, and/or in the stations' online public inspection files. Is there any valid justification for continuing to require these postings? If so, do such justifications outweigh the costs incurred by broadcast stations in complying with these rules?

Comments in Docket 18-121 will be due 30 days after publication of notice of this proceeding in the Federal Register. Reply comments will be due 45 days after publication.

C-Band Downlinks Frozen; Window Open for Completing Registrations Until July 18 continued from page 1

In an exception to this freeze, the International Bureau has opened a 90-day window during which the owners of existing FSS earth stations in this band may file an application to register or license the earth station if it is not currently registered or licensed. Applications to modify current registrations or licenses will also be accepted. To qualify for this exception, the earth station must have been constructed and operational as of April 19, 2018, the release date of the Public Notice. This filing window will close on July 18, 2018.

Registration of receive-only earth stations is not required. However, the Commission will be unable to protect the signal paths of unregistered stations. The need for protection for these stations may become more acute if the agency decides to increase the variety and quantity of other services on these frequencies. In a *Notice of Inquiry* released last year in Docket 17-183, the Commission discussed the prospects for "more intensive use" of the 3.7-4.2 GHz band for wireless broadband. The agency solicited comment on the deployment of point-to-multipoint FS broadband services and last-mile point-to-point FS operations. More recently, to help prepare for a report to be submitted to Congress, the Commission has solicited public comment about the feasibility of allowing commercial wireless services in this band. (See the story on this topic on page seven.) Specific proposals have not yet been published. However, the imposition of this freeze suggests that the Commission is seriously considering an increase in the number of users in this band.

Ordinarily, applications for earth station licenses or registrations in the 3.7-4.2 GHz band must include an exhibit demonstrating coordination with terrestrial stations. The purpose is to establish a baseline level of interference that an earth station must accept in bands shared by the FS and FSS on a co-primary basis. The coordination results entitle the FSS earth station to the interference protection levels agreed upon during the coordination, including against subsequent FS licensees. The Commission understands that the expense of this coordination process may deter earth station operators from pursuing registration. However, the agency is eager to compile a complete and accurate database of earth stations to inform its decision-making about new users in this band. Therefore, to encourage participation in the registration and licensing process, the International Bureau is waiving the requirement for a coordination report with applications filed during this filing window. Registrations or licenses granted during the 90-day filing window without the coordination report will include a condition noting that the license or registration does not afford interference protection from FS transmissions. After the freeze, the International Bureau may modify or terminate the waiver by permitting or requiring registrants or licensees who filed applications without the coordination report to file a report to be associated with its registration or license, and to take appropriate action in view of the report's findings.

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