

## Nationwide EAS Test Scheduled for August 11

The FCC's Public Safety and Homeland Security Bureau has released a *Public Notice* (DA 21-680) announcing that the Federal Emergency Management Agency ("FEMA"), in cooperation with the FCC, will conduct its annual nationwide test of the Emergency Alert System ("EAS") on August 11, 2021, at 2:20 p.m., Eastern Time. All EAS participants, including all broadcast stations, are required to participate in this test. If conditions on that day force the postponement of the test, it will be rescheduled for August 25, 2021, at 2:20 p.m. Eastern Time.

All test participants are required to submit three reports on the EAS Test Reporting System ("ETRS"). The first of these reports was due July 6 on ETRS Form One. This report is to provide information about the station and its EAS equipment. Stations that have not yet filed the Form One should do so immediately. The data collected on the Form One must be renewed annually, even if there has been no change in the requested information since the last time that a Form One was filed. Updates and corrections to the

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## Most FCC Filing Fees Rise

In December of last year, the FCC adopted a new schedule of filing fees in a *Report and Order* (FCC 20-184) in Docket 20-270. After completing certain required procedures, the Commission has announced the new fees are effective as of July 15. A listing of most of the fees of interest to broadcasters can be found on page 6.

Most, but not all, fees increase. There is a new fee of \$575 for the auction short-form, Form 175, paid only by the winning bidder with the filing fee for the long-form. However, aside from the inclusion of the short-form fee, the long-form filing fee has been reduced for every category of broadcast service. Fees for long-form assignment and transfer-of-control applications came down, but the cost for the pro-forma short-form assignment and transfer-of-control applications increased significantly. Another new substantial fee is being charged for the filing of a petition for a foreign ownership declaratory ruling.

Applications and reports filed by noncommercial stations are exempt from filing fees. Applicants and licensees that are government entities are exempt from filing fees for both commercial and noncommercial stations.

## Copyright Royalties Set for Streaming

The Copyright Royalty Board has adopted a schedule of rates for copyright royalties for audio services that stream music on the Internet for the period from January 1, 2021, through December 31, 2025.

For 2021, the rate for commercial nonsubscription services will be \$0.0021 per performance, with a minimum fee of \$1,000 per year paid at the beginning of the year. Previously, the rate was \$0.0018 per performance, with a \$500 annual minimum. This category includes commercial radio broadcasters who simulcast their over-the-air broadcast signal on the Internet. A performance is defined as a piece of music transmitted to and received by one device. Thus 10 listeners listening to the same cut of music on 10 different reception devices would be counted as 10 performances. The fees for subsequent years will be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers ("CPI").

Noncommercial webcasters (including noncommercial radio broadcasters except for stations qualified for benefits

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# Half-Million Dollar Fine Proposed for Violation of TV Multiple Ownership Rule

The FCC issued a *Notice of Apparent Liability for Forfeiture* (FCC 21-81) against Gray Television, Inc. for violating the Commission's television ownership rule that prohibits common ownership of more than one of the top four ranked stations in a Designated Market Area ("DMA").

The Commission recounted that in the summer of 2020, a Gray subsidiary was the licensee of both KTUU-TV and KYES-TV in Anchorage, Alaska. KTUU-TV was an NBC affiliate and the highest ranked station in the DMA. On July 31, 2020, Gray closed on the purchase of most of the non-license assets of another Anchorage station, KTVA, including KTVA's CBS network affiliation contract. At the time of the transaction, KTVA was the second highest rated station in the market. Following that transaction, Gray began broadcasting on KYES-TV the same program schedule that had formerly been aired on KTVA. Gray then was the source of the first and second ranked broadcast television program streams in Anchorage.

According to the Commission, Gray neither contacted it about the permissibility of these arrangements nor requested a waiver of Section 73.3555 of the FCC's Rules. That rule prohibits the common ownership of two or more of the top-four ranked stations in a market. Note 11 to this section prohibits the exchange of network affiliation agreements between licensees if the end result would bring them out of compliance with the top-four prohibition.

The FCC found Gray's conduct in bringing the programming of the second highest rated station in the market to KYES-TV a violation of the explicit prohibition in Note 11. The Commission cited its previous statements in which it says it put licensees on notice that an effort to evade the top-four prohibition through engaging in such a change of network affiliation would subject the licensee to "divestiture or enforcement action."

The FCC states that Gray informed it that as of March 3, 2021, the CBS programming formerly aired on KYES-TV was moved to the primary channel on its low power television station K22HN-D, and simulcast on a digital subchannel of KTUU-TV.

The FCC's rule on base forfeiture amounts, Section 1.80, does not include a line item for violations of Note 11 of Section 73.3555. There is no precedent in prior rulings for an appropriate amount for the fine in such a case. Under these circumstances, the Commission will consider forfeitures established or issued in analogous cases for guidance. The Commission found the base forfeiture of \$8,000 for "unauthorized substantial transfer of control" cases to be sufficiently analogous to the violation in this case.

This violation lasted from July 31, 2020, until March 3, 2021 – a total of 215 days. At \$8,000 per day for each day of a continuing violation, the total forfeiture would amount to \$1,720,000. The Commission is limited by statute to imposing a forfeiture of no more than \$518,283. Consequently, that is the amount of the forfeiture proposed in this case.

The base amount of a proposed forfeiture is ordinarily subject to adjustment, either up or down, as the Commission may find appropriate under the circumstances of the case. The Commission said that although it is barred from imposing a higher fine because of the statutory cap, there would be a number of factors to support increasing the forfeiture if it could. These included the substantial economic gain realized from owning two of the top four stations in the market – especially during a record-setting year for political advertising, and this licensee's significantly higher-than-usual ability to pay coupled with the need to deter future transgressions.

Gray has 30 days in which to pay the forfeiture or request that it be reduced or canceled.

## Updates Proposed for Radio Technical Rules

The FCC issued a *Notice of Proposed Rulemaking* (FCC 21-84) in Docket 21-263 to begin the process of updating and clarifying a number of its technical rules pertaining to radio broadcasting. The details for each proposed modification are set out below. All section numbers refer to FCC Rules.

**Maximum Rated AM Transmitter Power.** Section 73.1665(b) restricts the maximum power rating for AM transmitters. This rule was adopted substantially in its present form in 1978, long before the implementation of today's more reliable equipment and operational practices. The FCC and broadcasters today rely on actual operating antenna input power as the most accurate and effective means of ensuring that AM stations operate within their authorized power limits. The Commission has tentatively concluded

that it is no longer necessary to retain an equipment-based maximum rated transmitter power rule. The Commission proposes to delete this provision from the rules.

**Noncommercial Coverage of Community of License.** Noncommercial FM stations operating on the frequencies reserved for noncommercial broadcasting (88.1 to 91.9 MHz) are required by Section 73.515 to cover at least 50% of the population or 50% of the area of the community of license with the 60 dBu contour. References to coverage requirements in Section 73.316 (short-spaced directional antenna) and Section 73.1690 (reducing power) merely indicate that the contour must cover "at least a portion of the community." These rules were adopted prior to the adoption of Section 73.515

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# EAS Fine-Tuned; ‘Persistent’ Alerts Proposed

The FCC has adopted a *Report and Order and Further Notice of Proposed Rulemaking* (FCC 21-77) in Dockets 15-94 and 15-91 in response to a recent Congressional mandate to adopt new rules pertaining to the Emergency Alert System (“EAS”). Among other things, the Commission was directed to:

- (1) establish a state EAS plan checklist for State Emergency Communications Committees (“SECCs”) and require SECCs to meet, review, and update their EAS plans annually;
- (2) enable reporting by the Administrator of the Federal Emergency Management Agency (“FEMA”) and local governmental entities of false EAS alerts; and
- (3) provide for repeating EAS alerts issued by the President, the FEMA Administrator, or other designated entity.

The FCC amended its rules covering state EAS Plans to encourage the chief executive of each state and territory to establish an SECC and to review its composition and governance. The Chief of the Public Safety and Homeland Security Bureau is directed to reach out to the chief executive of jurisdictions lacking an SECC to assist with the formation of a Committee. At the present time, every state and all but two territories already have an SECC. The composition and manner of governance of each SECC are presently left entirely to the discretion of its state or territory. The Commission declined to impose any of its own requirements on jurisdictions concerning SECC composition or governance.

The FCC did, however, adopt a requirement for each SECC to meet at least once per year to review and update its state EAS Plan. Among other things, the state EAS Plan identifies the primary stations for distributing alerts and makes assignments for all other stations to monitor specific primary stations to receive incoming alerts. Each SECC must submit its state EAS Plan to the FCC for review and approval. The Commission concluded that the state EAS Plan requirements already listed in Section 11.21 of its rules could serve as the checklist for Plan contents that the new statute mandates.

There is only one category of emergency alerts for which carriage by broadcast stations is mandatory. Until now, this class has been known as Presidential Alerts. This class has now been redefined and renamed as National Alerts. Under the new rules, this kind of alert can be issued by the President, by the President’s designee, or by the Administrator of FEMA. Congress directed the FCC to develop the means for such alerts to be easily repeated while the emergency event was in progress. The Commission rejected proposals to require EAS Participants to initiate the retransmission or to implement a technical mechanism for the system to automatically repeat a National Alert. Rather, the FCC decided that the most efficient and effective manner for repeating alerts will be for the alert originator – i.e., the President, the President’s designee, or the FEMA Administrator – to initiate the repeat transmission. That will allow the originator to resend the same message, or to update it, as circumstances may require.

EAS Participants are required to inform the FCC of false alerts that might be transmitted over the EAS system. The Commission adopted a rule to allow and encourage FEMA

and other governmental entities to report false alerts as well.

In the part of the FCC’s action devoted to further rulemaking, the Commission addressed and solicited comment about a number of proposals that were submitted in this proceeding during the comment period earlier this year. Among these is FEMA’s recommendation to modify the definition for the “Emergency Action Notification (National Only)” to “Emergency Alert, National,” or replace the EAN event code with a new event code, “NEM,” defined as “National Emergency Message.” FEMA suggests that this change is needed to promote public recognition of an emergency situation.

FEMA also suggests changing the EAS originator code for the “Primary Entry Point System” from “PEP” to “NAT,” which would stand for “National Authority.” FEMA observes that PEPs are not actually originators, and calling them such may cause public confusion when they have to be publicly identified that way in certain situations under the current rules.

The most significant suggestion from FEMA would have the FCC update the EAS to support the persistent display of alert information and/or the persistent notification for emergencies that require immediate public protective actions to mitigate loss of life. FEMA asserted in its comments that merely repeating alerts is not adequate to meet the need for comprehensive notification to the public, and that the mere repetition of alerts may not satisfy the intent of Congress. According to FEMA, emergency alert information needs to be persistent on EAS sources for the period of the alert so that people can receive, review, and collaborate whenever they tune in after having obtained emergency information received from another source. At the same time, FEMA cautions that the persistent message should not interfere with the capability of the President or the FEMA Administrator to release another alert.

The FCC seeks comment on the technical feasibility of FEMA’s suggestion and whether the changes needed to implement persistent alerts could be accomplished without interfering with existing EAS operations. The Commission observes that such changes are likely to require modifications to EAS devices, downstream processing equipment, cable equipment standards, and other elements of the EAS ecosystem. The Commission asks how multiple or overlapping alerts would be transmitted if one were already persistently active.

The Commission invites comment about whether the processing and transmission of persistent alerts should be mandatory or voluntary. The Commission queries whether such rules would require running the visual scroll and playing the audio message (and in the case of force-tuned cable systems, a constant “blue screen” with the scroll data and audio running) continuously until the valid time period of the alert expires, which could be several hours or longer, with the accompanying impact on the EAS Participant’s regular programming.

The FCC notes that FEMA’s proposal would mandate

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# DEADLINES TO WATCH



## License Renewal, FCC Reports & Public Inspection Files

|          |  |          |  |
|----------|--|----------|--|
| July 10  | Deadline to place quarterly Issues / Programs List in Public Inspection File for all full service radio and television stations and Class A TV stations.   | August 2 | Deadline to file license renewal applications for radio stations in <b>California</b> and television stations in <b>Illinois</b> and <b>Wisconsin</b> .  |
| July 10  | Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.  | August 2 | Deadline for all broadcast licensees and permittees of stations in <b>California</b> , <b>Illinois</b> , <b>North Carolina</b> , <b>South Carolina</b> , and <b>Wisconsin</b> 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  | Deadline for Class A TV stations to place certification of continuing eligibility for Class A status in Public Inspection File.  | August   | Radio stations in <b>California</b> and television stations in <b>Illinois</b> and <b>Wisconsin</b> begin broadcasting post-filing announcements within five business days of acceptance of application for filing and continuing for four weeks.  |
| August 1 | 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 <b>California</b> , <b>Illinois</b> , <b>North Carolina</b> , <b>South Carolina</b> and <b>Wisconsin</b> . |          |  |

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

The FCC has accepted for filing the applications identified below proposing to change the community of license for each station. 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 **September 7, 2021**. Informal objections may be filed anytime prior to grant of the application.

| PRESENT COMMUNITY | PROPOSED COMMUNITY | STATION  | CHANNEL | FREQUENCY |
|-------------------|--------------------|----------|---------|-----------|
| Decatur, AL       | Mooresville, AL    | WWTM(AM) | N/A     | 1400      |
| Canaan, CT        | Norfolk, CT        | WSGG     | 207     | 89.3      |
| Clayton, GA       | Toccoa, GA         | WRBN     | 239     | 95.7      |
| Elberton, GA      | Clayton, GA        | WHTD(AM) | N/A     | 1400      |
| Portal, GA        | Statesboro, GA     | WXRS-FM  | 263     | 100.5     |
| Geneva, IL        | Somonauk, IL       | WDYS(AM) | N/A     | 1480      |
| Barbourville, KY  | North Corbin, KY   | WKKQ     | 241     | 96.1      |
| Crab Orchard, KY  | Hustonville, KY    | WPBK     | 275     | 102.9     |
| North Corbin, KY  | Crab Orchard, KY   | WKFC     | 270     | 101.9     |
| Buffalo, MO       | Fair Grove, MO     | KBFL-FM  | 260     | 99.9      |
| Springfield, MO   | Buffalo, MO        | KWTO-FM  | 267     | 101.3     |
| Tidioute, PA      | Clintonville, PA   | WCFT     | 204     | 88.7      |
| Pendleton, SC     | Powdersville, SC   | WLTE     | 238     | 95.5      |
| San Diego, TX     | Bishop, TX         | KUKA     | 290     | 105.9     |

**FILING WINDOW FOR APPLICATIONS  
FOR NEW AND MAJOR CHANGES TO  
NONCOMMERCIAL FM STATIONS**  
**NOVEMBER 2 – 9, 2021**

**DATES FOR AUCTION 109**  
**MOCK AUCTION  
BIDDING BEGINS** **JULY 23**  
**JULY 27**



# DEADLINES TO WATCH



## Deadlines for Comments in FCC and Other Proceedings

### DOCKET

### COMMENTS REPLY COMMENTS

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

|   |             |           |
|---|-------------|-----------|
| Docket 21-115; NPRM (FCC 21-46)<br>Updating rules for wireless microphones                        | August 2    | August 30 |
| Docket 21-284; Public Notice (DA 21-801)<br>Procedures for LPTV Auction 111                       | August 3    | August 13 |
| Docket 18-349; Public Notice (DA 21-657)<br>Updating record in 2018 Quadrennial Regulatory Review | September 2 | October 1 |
| Docket 15-94; FNPRM (FCC 21-77)<br>Emergency Alert System   | FR+60       | FR+90     |
| Docket 21-263; NPRM (FCC 21-84)<br>Radio technical rules update                                   | FR+30       | FR+45     |

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

## Paperwork Reduction Act Proceedings

The FCC is required by 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 |
|--|------------------|
| EEO Program Report, Form 2100, Schedule 396                      | Aug. 2           |
| TV market definitions for must carry, Section 76.59              | Aug. 30          |
| Interference with radio astronomy installations, Section 73.1030 | Aug. 30          |
| Application for antenna structure registration, Form 854         | Sep. 13          |

## Proposed Amendments to the Television Table of Allotments

The FCC is considering petitions to amend the digital television Table of Allotments by changing the channels allotted to the communities identified below. The deadlines for submitting comments and reply comments are shown.

| COMMUNITY          | STATION | PRESENT CHANNEL | PROPOSED CHANNEL | COMMENTS | REPLY COMMENTS |
|--------------------|---------|-----------------|------------------|----------|----------------|
| Las Vegas, NV      | KTNV-TV | 13              | 26               | July 16  | Aug. 2         |
| Fredericksburg, TX | KCWX    | 5               | 8                | July 26  | Aug. 9         |
| Staunton, VA       | WVPT*   | 11              | 15               | July 30  | Aug. 16        |

\* Channel reserved for noncommercial broadcasting

### DATES FOR NATIONWIDE EAS TEST

Nationwide Test  
ETRS Form Two Due  
ETRS Form Three Due

AUGUST 11  
AUGUST 12  
SEPTEMBER 27

# SCHEDULE OF NEW FCC FILING FEES AS OF JULY 15, 2021

| APPLICATION TYPE   | OLD FEE  | NEW FEE                              |
|--|----------|--------------------------------------|
| <b>Full Power and Class A Television</b>                                 |          |                                      |
| New or major change construction permit                                  | \$ 4,960 | \$4,260                              |
| Minor change construction permit (full power only)                       | 1,110    | 1,335                                |
| New license  | 355      | 380                                  |
| License renewal  | 200      | 330                                  |
| Assignment/transfer of control (long form)                               | 1,110    | 1,245                                |
| Assignment/transfer of control (short form)                              | 160      | 405                                  |
| Special temporary authority  | 200      | 270                                  |
| Rulemaking petition (full power only)                                    | 3,065    | 3,395                                |
| <b>LPTV and TV Translator</b>  |          |                                      |
| New or major change construction permit                                  | 835      | 775                                  |
| New license  | 170      | 215                                  |
| License renewal  | 70       | 145                                  |
| Special temporary authority  | 200      | 270                                  |
| Assignment/transfer of control (all forms)                               | 160      | 335                                  |
| Call sign  | 110      | 170                                  |
| <b>AM Radio</b>  |          |                                      |
| New or major change construction permit                                  | 4,415    | 3,980                                |
| Minor change construction permit   | 1,110    | 1,625                                |
| New license  | 725      | 645                                  |
| License renewal  | 200      | 325                                  |
| Directional antenna  | 835      | 1,260                                |
| Remote control   | 70       | None                                 |
| Assignment/transfer of control (long form)                               | 1,110    | 1,005                                |
| Assignment/transfer of control (short form)                              | 160      | 425                                  |
| Special temporary authority  | 200      | 290                                  |
| <b>FM Radio</b>  |          |                                      |
| New or major change construction permit                                  | 3,975    | 3,295                                |
| Minor change construction permit   | 1,110    | 1,265                                |
| New license  | 225      | 235                                  |
| License renewal  | 200      | 325                                  |
| Directional antenna  | 695      | 630                                  |
| Assignment/transfer of control (long form)                               | 1,110    | 1,005                                |
| Assignment/transfer of control (short form)                              | 160      | 425                                  |
| Special temporary authority  | 200      | 210                                  |
| Rulemaking petition  | 3,065    | 3,180                                |
| <b>FM translator, FM booster</b>   |          |                                      |
| New or major change construction permit                                  | 835      | 705                                  |
| Minor modification construction permit                                   | None     | 210                                  |
| New license  | 170      | 180                                  |
| License renewal  | 70       | 175                                  |
| Special temporary authority  | 200      | 170                                  |
| Assignment/transfer of control (all forms)                               | 160      | 290                                  |
| <b>TV, Class A TV, AM and FM</b>   |          |                                      |
| Call sign  | 110      | 170                                  |
| Ownership report   | 70       | 85                                   |
| <b>Permit to Deliver Programs to a Foreign Broadcast Station</b>         |          |                                      |
| New license  | 110      | 360                                  |
| License modification   | 110      | 185                                  |
| License renewal  | 110      | 155                                  |
| Special temporary authority  | 110      | 155                                  |
| Transfer of control  | 110      | 260                                  |
| <b>Receive-Only Earth Station</b>  |          |                                      |
| Initial application or registration (single site)                        | 450      | 175                                  |
| Initial application or registration (multiple sites, per system)         | N/A      | 465                                  |
| (There are other fees for earth station applications not included here.) |          |                                      |
| <b>Auction Short-Form</b>  | None     | 575<br>(Post-auction<br>winner only) |
| <b>Petition for Declaratory Ruling re Foreign Ownership</b>              | None     | 2,485                                |

# LPTV Applications Set for Auction 111

By a *Public Notice* (DA 21-801), the FCC's Office of Economics and Analytics and Media Bureau have proposed procedures for final processing of the applications for new low power television stations or major changes to such stations in 17 groups of mutually exclusive applications. The ultimate resolution of conflicts will be by way of competitive bidding in Auction 111. The *Public Notice* proposes procedures for simultaneous multiple-round bidding, similar to those that have been employed for other recent broadcast auctions.

The minimum opening bid for each permit is also proposed. This will be a closed auction. Only parties with one or more applications in the 17 groups will be eligible to participate.

A schedule of deadlines and auction events will be released later. It will include a brief settlement period after the deadline for filing short-form applications.

Comments on the proposed procedures and minimum opening bids are invited and must be filed in Docket 21-284 by August 3. Reply comments will be due August 13.

## Nationwide EAS Test Scheduled for August 11

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Form One can be filed until August 5.

"Day-of-test" information must be filed by August 12 on ETRS Form Two. ETRS Form Three with post-test data is due by September 27.

Filers can access ETRS by visiting the ETRS page of the Commission's website at <https://www.fcc.gov/general/eas-test-reporting-system>. Filers must use their registered FCC Username ("Username") that is associated with the FCC Registration Numbers ("FRNs") for which they will file. Filers that have already created a Username for use with another FCC system may access the ETRS with that Username. Filers that do not remember the password that corresponds with their Username may reset it at <https://apps2.fcc.gov/fccUserReg/pages/reset-passwd-identify.htm>. Filers that have not previously created a Username may do so by visiting the User Registration System at <https://apps2.fcc.gov/fccUserReg/pages/createAccount.htm>. Filers can associate their Username to an FRN by logging in at <https://apps.fcc.gov/cores/userLogin.do> and clicking on the appropriate option.

All EAS Participants – including Low Power FM stations, Class D noncommercial FM stations, and EAS Participants that are silent pursuant to a grant of Special Temporary Authority – are required to register and file in ETRS. The following categories of stations are exempt from this obligation:

- (1) Low power television stations that operate as television broadcast translator stations;
- (2) FM broadcast booster stations and FM translator stations which entirely rebroadcast the programming of other local FM broadcast stations; and
- (3) Broadcast stations that operate as satellites or repeaters of a hub station (or common studio or control point if there is no hub station) and rebroadcast 100 percent of the programming of the hub station (or common studio or control point); however, the hub station (or common studio or control point) is required to register and file in ETRS.

FEMA will transmit the EAS nationwide test through the hierarchical broadcast-based distribution system, often called the "daisy chain." There will be no Internet transmissions. Full message text and multilingual messaging will not be available. The purpose for conducting the test in this manner is to evaluate the capability of the EAS system to deliver messages to the public in the event of Internet failure.

The FCC encourages EAS Participants to take steps, in coordination with their State Emergency Communication Committees, to prepare for this test. The following measures are recommended:

- Ensuring that a copy of the EAS Operating Handbook is located at normal duty positions, or EAS equipment locations, and is otherwise immediately available to operators;
- Reviewing the EAS Operating Handbook for the actions to be taken by operators upon receipt of the test alert, and conforming necessary actions to the specific facilities of the EAS participant;
- Reviewing the relevant State EAS Plan for monitoring assignments and ensuring that EAS equipment is configured to monitor those sources;
- Reviewing the station log to ensure that the station has been originating weekly tests, and relaying monthly tests as required;
- Ensuring that EAS equipment can receive and process the National Periodic Test code, the "six zeroes" national location code, and otherwise operate in compliance with the FCC's Rules;
- Upgrading EAS equipment, software and firmware to the most recent version;
- Manually synchronizing EAS equipment clocks to the official time provided by the National Institute of Standards and Technology if the EAS Participant's equipment does not automatically synchronize to an Internet time source.

## EAS Fine-Tuned; 'Persistent' Alerts Proposed

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persistent alerts for emergencies that require immediate public protective actions to mitigate loss of life. The Commission requests comment on what types of emergency events would qualify under this definition, and whether a different definition would be more appropriate.

Comments in response to this *Further Notice* must be filed within 60 days of publication of notice of this proceeding in the Federal Register. Reply comments will be due 90 days after that publication.

# Updates Proposed for Radio Technical Rules

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and have never been updated to be consistent with 73.515. The FCC proposes to do that now and state the specific 50% coverage requirement in Sections 73.316 and 73.1690.

**FM Transmitter Interference to Nearby Antennas.** Section 73.316(d) provides that an application proposing the use of an FM antenna within 60 meters or less of other FM or TV broadcast antennas must include a showing of the effect the new facility would have on the existing nearby operations. Based on its experience over the last 70 years, the FCC observes that broadcast antennas within such proximity are unlikely to create interference if they are compliant with the transmission band width provisions of Section 73.317. The Commission tentatively concludes that 73.316(d) is an unnecessary burden on applicants and proposes to delete it.

**Noncommercial Class D Interference Ratio.** Signal strength contour overlap requirements for noncommercial Class D stations are set out in 73.509(b). A Class D station is prohibited from overlapping its interfering 80 dBu contour with the protected 60 dBu contour of any second-adjacent channel station (a 20 dBu interference ratio). The ratio is more relaxed for other noncommercial stations. Other noncommercial stations must avoid an overlap of the interfering 100 dBu contour with the protected 60 dBu contour of any second-adjacent channel station (an interference ratio of 40 dBu). The Commission believes that this extra restriction on Class D stations is not necessary given the proven efficacy of the less restrictive requirements for other stations. It proposes to conform the Class D regulation with the more permissive rule for other noncommercial stations. The Commission suggests this change would give Class D stations more flexibility and perhaps allow them to increase their coverage areas.

**Grandfathered Common Carriers in Alaska.** A number of regulations require radio stations in Alaska to protect grandfathered common carrier services in the 76-100 MHz band. The Commission has determined that these restrictions are obsolete because there are no longer any common carrier

operations in this band in Alaska. It therefore proposes to delete references to these restrictions in 73.501(b), 74.1202(b)(3), 74.702(a)(1), and 74.786(b).

**Definition of AM Fill-in Area.** In 2017, the FCC relaxed the cross-service siting requirements for an FM translator rebroadcasting an AM station, i.e., an AM fill-in translator. Section 74.1201(g) was amended to provide that the translator's 60 dBu contour must be completely within the greater of the parent AM station's 2 mV/m daytime contour, or a 25-mile radius centered at the AM station's transmitter site. Overlooked at that time was the previously adopted 74.1201(j) that defined the fill-in area within which the translator's 60 dBu contour must be contained as the *lesser* of the AM station's 2 mV/m daytime contour or the 25-mile radius. The Commission now proposes to amend 74.1201(j) to be consistent with 74.1201(g), allowing for the potentially larger fill-in area.

**International Agreements.** The FCC proposes to update its rules governing interference requirements to protect Canadian and Mexican stations along the border areas. Changes in the international agreements between the United States and Canada, and between the United States and Mexico have relaxed many of the restrictions stated in the Commission's rules. The Commission proposes to amend its rules to conform them with the amendments in the international agreements, which in some cases, allow for contour-overlap spacing rather than purely distance-based separation and the use of directional antennas in certain situations involving short-spacing. Comments on these proposals should address whether the proposed amendments are consistent with the international agreements. The FCC, of course, has no authority to amend the international agreements.

The FCC solicits comments on all of these proposals. The comment deadline will be 30 days after publication of notice of this proceeding in the Federal Register. The deadline for reply comments will be 45 days after that publication.

# Copyright Royalties Set for Streaming

*continued from page 1*

from the Corporation for Public Broadcasting ("CPB") will pay a flat minimum fee of \$1,000 per year per channel up to a cap of 159,140 aggregate tuning hours ("ATH") per month. A tuning hour is an hour or any fraction of an hour when a receiving device is tuned to the channel. If listening exceeds that monthly cap, the royalty is \$0.0021 per additional ATH

in 2021. The noncommercial rates will also be adjusted annually in tandem with the fluctuations in the CPI. CPB negotiates separate rates for its qualified stations with the SoundExchange.

This action by the Board is subject to revision by the Copyright Office and judicial appeal.

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