



# PUBLIC NOTICE

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## MEDIA BUREAU REMINDS FULL POWER AND CLASS A LICENSEES OF THE APPROACHING MAY 29, 2015 PRE-AUCTION LICENSING DEADLINE

### Full Power and Class A Licensees are Encouraged to Review the Pre-Auction Technical Certification Form (FCC Form 2100, Schedule 381)

By this Public Notice the Media Bureau reminds all full power and Class A licensees that **May 29, 2015**, is the Pre-Auction Licensing Deadline for the broadcast television spectrum incentive auction and repacking process.<sup>1</sup> In order to be eligible for protection in the repacking process and relinquishment of spectrum usage rights in the reverse auction portion of the incentive auction, all Class A and full power facilities that are subject to mandatory or discretionary protection,<sup>2</sup> with limited exception,<sup>3</sup> must be licensed or have on file a license to cover (FCC Form 2100, Schedule B/FCC Form 2100, Schedule F) by **May 29, 2015**. While Class A licensees may wait until the September 1, 2015, digital transition deadline to complete construction and license their digital facilities,<sup>4</sup> those that do not have their digital facilities licensed by **May 29, 2015**, will be afforded protection based only on the coverage area and population

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<sup>1</sup> *Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline*, Public Notice, 30 FCC Rcd 393 (MB 2015). See also *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6656, para. 195 and n. 646 (2014) (“*Incentive Auction R&O*”).

<sup>2</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6652-53, paras. 185-86 (mandatory protection); *Id.* at 6655-63, paras. 194-218 (discretionary protection); *Id.* at 6718, para. 355 (spectrum usage rights eligible for relinquishment).

<sup>3</sup> Licensees affected by the destruction of the World Trade Center may elect to protect either their licensed Empire State Building facility or a proposed new facility at One World Trade Center so long as that new facility has been applied for and authorized in a construction permit granted by the Pre-Auction Licensing Deadline. *Id.* at 6665-66, paras. 219-20. These licensees must file a letter with the Commission making their election no later than May 29, 2015. *Id.* at 6665, n. 690. A copy of the letter should also be emailed to Kevin Harding, Associate Division Chief, Video Division, Media Bureau at [kevin.harding@fcc.gov](mailto:kevin.harding@fcc.gov).

<sup>4</sup> *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, Second Report and Order, 26 FCC Rcd 10732, 10753-54, para. 45 (2011). Recently the Media Bureau suspended the digital transition date for low power television and TV translator facilities. This action did not affect the digital transition deadline for Class A stations. See *Suspension of September 1, 2015 Digital Transition Date for Low Power Television and TV Translator Stations*, Public Notice, DA 15-486 (Apr. 24, 2015). Class A television stations are reminded that they must cease all analog operations, including any analog companion channels, by the September 1, 2015 transition date. See 47 CFR § 74.731(l) (“After 11:59 pm local time on September 1, 2015...Class A television stations may no longer operate any facility in analog (NTSC) mode”).

served by their licensed analog facilities, consistent with the policy adopted in the *Incentive Auction R&O*.<sup>5</sup>

We stress that this is the last opportunity for all full power and Class A licensees to modify their licenses to fix any errors they may have made in providing us their operating parameters and to have those modifications protected in the repacking process. Specifically, such modifications will be protected so long as a modification application that complies with the *Freeze PN*<sup>6</sup> is filed and granted, and a license to cover application is filed, by **May 29, 2015**.<sup>7</sup> After May 29, 2015, modifications filed to fix errors made by a licensee, even if granted and ultimately licensed, will not be considered for purposes of determining protection in the repacking process and spectrum usage rights eligible for relinquishment in the reverse auction.<sup>8</sup> Concluding otherwise would undermine our ability to ensure a stable database and prepare for the reverse auction and repacking process.<sup>9</sup>

Shortly after the Pre-Auction Licensing Deadline, the Media Bureau will release a Public Notice (“*Eligibility PN*”) listing the facilities eligible for protection in the repacking process and relinquishment in the reverse auction based on the database technical information<sup>10</sup> on file with the Commission as of May 29, 2015.<sup>11</sup> Following release of the *Eligibility PN*, licensees will have thirty (30) days to file the Pre-Auction Technical Certification Form (FCC Form 2100, Schedule 381).<sup>12</sup> The Pre-Auction Technical Certification Form requires full power and Class A licensees to certify that they have reviewed the authorization for each eligible facility listed in the *Eligibility PN* and indicate whether the underlying

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<sup>5</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6664-65, para. 218 and n. 688. The term “licensed” for these purposes encompasses both licensed facilities and those subject to a pending license to cover application.

<sup>6</sup> *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013) (“*Freeze PN*”).

<sup>7</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6662, para. 211.

<sup>8</sup> Despite the fact that the modified operating parameters will not be protected, if the licensee does not revise its operations to reflect the licensed parameters it must file an application for modification of its facility (FCC Form 2100, Schedule A). It must also seek a Special Temporary Authorization to allow it to continue to operate with parameters at variance pending grant of its modified license.

<sup>9</sup> *See Id.* at 6651, n. 615 (ensuring a stable, accurate database to facilitate the repack by requiring broadcasters to verify and certify to the accuracy of information related to their eligible facility); *Id.* at 6656, para. 195 and n. 646 (concluding that the establishment of a Pre-Auction Licensing Deadline is needed to ensure a “largely static view of facilities that will be protected in the repacking process”); *Id.* at 6719, para. 357 (finding that parity between the rules relating to protection in the repacking process and reverse auction eligibility will further the goals of the incentive auction).

<sup>10</sup> “Database technical information” means all underlying technical data that sets forth the operational parameters of the facility, including but not limited to the technical information that may be found in the Commission’s Consolidated Database System (as well as the successor Licensing Management System) and Antenna Registration System.

<sup>11</sup> *Id.* at 6651, n. 615 (instructing the Media Bureau, prior to the start of the incentive auction, to issue a Public Notice listing each station’s protected facility (i.e., eligible facility)). An “eligible facility” is a television licensee’s facility that is listed in the *Eligibility PN* as being eligible for protection in the repacking process or relinquishment of spectrum usage rights in the incentive auction.

<sup>12</sup> *Id.* (delegating authority to the Media Bureau to develop a form for broadcasters to verify and certify to the accuracy of all database technical information and announce by Public Notice the deadline and procedure for filing the form). On March 31, 2015, the Office of Management and Budget approved FCC Form 2100, Schedule 381. 80 Fed. Reg. 19611 (Apr. 13, 2015).

database technical information for their eligible facility is correct.<sup>13</sup> Should the licensee discover that the Commission has made an error in the authorization or the underlying database technical information, the Commission will correct the error and will consider the corrected information for purposes of determining protection in the repacking process and the spectrum usage rights eligible for relinquishment in the reverse auction.<sup>14</sup>

A copy of the Pre-Auction Technical Certification Form is attached to this Public Notice.<sup>15</sup> A separate Form must be filed for each eligible facility. We encourage all full power and Class A licensees to review the Form and begin the process of gathering the information necessary to complete it. We currently anticipate that the *Eligibility PN* will be released and the Pre-Auction Technical Certification Form will be made available for filing by mid-June 2015.

For additional information on this Public Notice, contact Evan Morris, [Evan.Morris@fcc.gov](mailto:Evan.Morris@fcc.gov) (legal), Kevin Harding, [Kevin.Harding@fcc.gov](mailto:Kevin.Harding@fcc.gov) (technical), or Hossein Hashemzadeh, [Hossein.Hashemzadeh@fcc.gov](mailto:Hossein.Hashemzadeh@fcc.gov) (technical/database), of the Video Division, Media Bureau, at (202) 418-1600. Press inquiries should be directed to Janice Wise, (202) 418-8165.

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<sup>13</sup> We note that as part of the Pre-Auction Technical Certification Form broadcasters are also required to provide additional information concerning their eligible facility. See Pre-Auction Technical Certification Form, Form 2100, Schedule 381, Question 2.

<sup>14</sup> As noted above, after May 29, 2015, modifications filed to fix errors made by a licensee, even if granted and ultimately licensed, will not be considered for purposes of determining protection in the repacking process and spectrum usage rights eligible for relinquishment in the reverse auction.

<sup>15</sup> A copy of the Pre-Auction Technical Certification Form is also available at: <http://www.fcc.gov/forms>.