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Special Advisory to Broadcasters
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Communications Broadcast Advisory

FCC Releases New Station DTV Transition Readiness Report Form

On January 22, the FCC released the new FCC Form 387. At this time, the form is only available for public viewing; the version of the form to be used for electronic filing purposes will be made available at a later date.

FCC staff has indicated that the final, interactive version of the online form will be available once the Third Periodic Review is published in the Federal Register, in time for the February 18, 2008 filing date. For your convenience, a copy of FCC Form 387 and instructions thereto is attached to this Advisory.

On December 31, 2007, the FCC released its Report and Order in the Third Periodic Review of the Commission's rules and policies affecting the conversion to digital television. The Report and Order adopted a number of new filing requirements, build-out procedures and deadlines, and associated rule changes. As a result of this Report and Order, various stations will be required to comply with new construction deadlines, and file construction permit applications, construction permit extension applications, or tolling requests.

Licensees and permittees of full-power television stations (collectively, a "Filer"), regardless of their DTV build-out status, must file the new DTV-related reporting form, FCC Form 387, entitled "DTV Transition Status Report." The completed form must be filed electronically by such Filers no later than February 18, 2008. The Report form requires the Filer to provide details as to (i) the current transition status of the Filer's station, (ii) any additional steps needed to commence full, digital station operations, and (iii) the timeline to meet the February 17, 2009, transition deadline.

Since the new FCC form is in the nature of a status report, a Filer will be under a continuing obligation to update the Report, as necessary, until the Filer reports that it has begun operating its full, authorized, post-transition DTV facility. Whenever information in the Report is not longer substantially accurate and complete in all significant respects, the Filer must file an updated Report as promptly as possible and in any event within 30 days to furnish such additional or corrected information as is appropriate. Examples of changes

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warranting the filing of an updated Report include changes in a station's (1) transition plans, (2) construction or operational status, or (3) existing service, e.g., reduction or termination of analog or pre-transition digital service. In addition, any Filer that has not reported the filing of its application for covering license for its fully completed, authorized, post-transition facility by October 20, 2008, must file another FCC Form 387 reporting their current status as of that date.

For assistance in completing the FCC Form 387, please contact any of the attorneys in the firm's Communications Practice Section.

For further information, please contact:

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INSTRUCTIONS FOR FCC 387

DTV TRANSITION STATUS REPORT

GENERAL INSTRUCTIONS

- A. **FCC Form 387 must be filed no later than February 18, 2008.** FCC Form 387 is to be used by all licensees/permittees of full-power television stations to detail their current digital television (DTV) transition status, and, if applicable, additional steps necessary in order to be prepared for digital-only operation on February 17, 2009, and a timeline for making those steps. The DTV construction timetable established by the Commission is set forth in 47 C.F.R. Section 73.624(d)(1).
- B. FCC Form 387 must be filed electronically. Paper versions of FCC Form 387 will not be accepted for filing, unless accompanied by an appropriate request for waiver of the electronic filing requirement. Filers can access the electronic filing system via the Internet from the Media Bureau's Web site at: <http://www.fcc.gov/mb>.
- C. Filers should provide all information requested by this form. If any portions of the form are not applicable, the filer should provide an explanation. If the filer is unable to provide an answer at the time of filing, the filer should provide an explanation and indicate when they expect to update the form to provide an appropriate response. Defective or incomplete forms will be returned without consideration. Inadvertently accepted forms are also subject to dismissal.
- D. The licensee must ensure that the Facility ID Number, Call Sign, and the Channel information are accurate.
- E. Consistent with Section 1.65 of the rules, 47 C.F.R. § 1.65(a), each Licensee/Permittee is responsible for the continuing accuracy and completeness of the information furnished in this Form. Whenever the information furnished in this Form is no longer substantially accurate and complete in all significant respects, the Licensee/Permittee shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of this Form so as to furnish such additional or corrected information as may be appropriate. See also 47 U.S.C. § 308(b). Examples of a significant change includes, but not limited to, a change in a station's (1) transition plans, (2) construction or operational status, or (3) existing service (e.g., reduction or termination of analog or pre-transition digital service).
- F. The data collected by these forms will be made available to the public on the Commission's Web Site: <http://www.fcc.gov/dtv>, allowing the Commission, industry, and the public to track the progress of the DTV

transition.

- G. The Licensee/Permittee must sign the form. Depending on the nature of the filer, the form should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the form for his or her client, but only in cases of the filer's disability or absence from the United States. If the form is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998), on reconsideration, 14 FCC Rcd 17525 (1999).

INSTRUCTIONS FOR SECTION I: GENERAL INFORMATION

Licensee/Permittee Information.

- Item 1: Legal Name of the Licensee/Permittee.** The legal name of the filer must be stated exactly in Item 1. If the filer is a corporation, the filer should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual filer, the person's full legal name.

Mailing Address. Filers should use only those state abbreviations approved by the U.S. Postal Service.

Contact Information (if different from licensee/permittee)

- Item 2: Contact Representative.** If the filer is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified in Item 2.

Station/Facility Information

- Item 3: FCC Registration Number (FRN).** To comply with the Debt Collection Improvement Act of 1996, the filer must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC

webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Facility ID Number. TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can also obtain your TV Facility ID Number by calling (202) 418-1600. Further, the Facility ID Number is now included on all TV authorizations and postcards.

Network Affiliation (if applicable). Stations should indicate their current network affiliation, if applicable.

INSTRUCTIONS FOR SECTION II: CURRENT STATUS

- Item 1. Currently Assigned Channels.** Stations should supply their NTSC, Pre-Transition DTV, and Post-Transition DTV channels.
- Item 2.** Stations should supply the file number of their post-transition DTV authorization (license or construction permit) or application for such authorization, or, if not applicable, indicate "not yet filed."
- Item 3.** Stations should supply their DTV construction deadline, where applicable. The DTV construction timetable established by the Commission is set forth in C.F.R. § 73.624(d)(1). Stations should also consult the Construction Deadline Extension Order, FCC 07-91 (rel. May 18, 2007), Use-or-Lose Order, FCC 07-90 (rel. May 18, 2007), and the Report and Order in the Third DTV Periodic Review proceeding, MB Docket No. 07-91. Stations with outstanding DTV construction permits should list the expiration date of the permit. Stations with pending DTV extension applications should list the file number of the pending application.

INSTRUCTIONS FOR SECTION III: POST-TRANSITION FACILITY

Stations should complete all items unless otherwise indicated.

- Item 1. Operational Status.** Stations should indicate if their final, post-transition, DTV facility is now operational. If yes, then stations should go to Section V. If no, proceed to Item 2.
- Item 2.** If a station answered "no" to Item 1, then it should check the appropriate box to indicate current operational status and the date when it expects to begin full, authorized post-transition operations. Station should

also and supply any additional information required. Proceed to Item 3.

- Item 3. Construction Status.** Stations should indicate if they have completed construction of their final, post-transition, DTV facility. If yes, then stations should go to Item 6. If no, then stations should proceed to Item 4.
- Item 4.** If a station answered "no" to Item 3, then it should check any and all appropriate boxes to indicate current construction status and date it expects to complete construction of final DTV facility. Proceed to Item 5.
- Item 5. Construction Permit Status.** Stations should indicate whether they hold a construction permit for their final, post-transition, DTV facility. If yes, then stations should proceed to Item 6(a). If no, then stations should go to Item 6(b).
- Item 6a.** Stations should indicate if they need to modify their license or construction permit in order to match the post-transition facilities defined for the station in the Post-Transition DTV Table of Allotments, 47 C.F.R. § 73.622(j). If YES, then proceed to Item 6(b). If NO, then go to Section IV.

Item 6b. Stations should indicate whether they have filed an application for a new or modified construction permit for their final, post-transition, DTV facility and supply the information required by the Form. If YES, then indicate relevant FCC File No. and date filed; If NO, then indicate date Licensee/Permittee expects to file such application.)

NOTE: To qualify for expedited processing, the Licensee/Permittee must file its application within 45 days of the effective date of the Report and Order in the Third DTV Periodic Review proceeding, MB Docket No. 07-91, as well as meet other criteria established in that proceeding.

INSTRUCTIONS FOR SECTION IV: ADDITIONAL STEPS NEEDED TO COMPLETE CONSTRUCTION

Stations should check any and all that apply and provide the information set forth in the Form. If necessary, include an explanation or attach an exhibit.

NOTE: Underlying documentation need not be filed with FCC Form 387. However, such documentation fully detailing and supporting the representations and descriptions provided in response to this form shall be kept at the station until the end of the transition (i.e., February 17, 2009) and shall be made available upon request by the Commission.

INSTRUCTIONS FOR SECTION V: ANALOG SERVICE

Stations should check **one** box to indicate the status of, and transition plans for, their analog TV service.

INSTRUCTIONS FOR SECTION VI: DTV TRANSITION PLAN

Stations should provide a narrative of their plans to complete construction on or before February 17, 2009 including a detailed timeline of their construction plans, and any equipment testing.

INSTRUCTIONS FOR SECTION VII: ANTI-DRUG ABUSE ACT CERTIFICATION

This question requires the filer to certify that neither it nor any party to the form is subject to denial of federal benefits pursuant to the Anti-Drug Act of 1988, 21 U.S.C. Section 862. Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Item 8 constitutes a certification that neither the filer nor any party to this form has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this form because of Section 5301.

NOTE: With respect to this question, the term "party to the form" includes if the filer is an individual, that individual; if the filer is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding stock or shares (voting and/or non-voting) of the filer; all members if a membership association; and if the filer is a partnership, all general partners and all limited partners, including both insulated and noninsulated limited partners, holding a 5 percent or more interest in the partnership.

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We have estimated that each response to this collection of information will take 2 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-1105), Washington, DC 20554. Please **DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.** Remember -

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

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FCC 387

DTV TRANSITION STATUS REPORT

**PLEASE READ INSTRUCTIONS BEFORE
COMPLETING THIS FORM**

FOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY
FILE NO.

NOTE: This Form must be filed by all full-power broadcast television stations (licensees and permittees) no later than February 18, 2008. Each Licensee/Permittee is responsible for the continuing accuracy and completeness of the information furnished in this Form. Each Licensee/Permittee must update this Form, as necessary, until such Licensee/Permittee reports the completion of its transition (i.e., that it has begun operating its full, authorized facility as defined in the post-transition DTV Table, 47 C.F.R. 73.622(i), and accompanying Appendix B).

SECTION I - GENERAL INFORMATION

Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Contact Information (if different from licensee/permittee)

2. Contact Representative	Firm or Company Name	
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Station/Facility Information

3. FCC Registration Number		
Call Sign	Facility ID Number	
Community of License: City		State
Network Affiliation (if applicable)	Satellite?	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION II - CURRENT STATUS

(1) Currently Assigned Channels:

NTSC Channel
 Post-Transition DTV Channel
 Pre-Transition DTV Channel (if different from Post-Transition channel)

(2) Relevant FCC File No. for Post-Transition Authorization, if on file with Commission (or indicate "Not Yet Filed"):

Not Yet Filed

(3) Current Construction Deadline:

SECTION III -- POST-TRANSITION FACILITY (Complete all items unless otherwise indicated.)

1. Operational Status:

Is the Licensee/Permittee now operating its fully authorized final, DTV (post-transition) facility?

Yes No (If YES, go to Section V; If NO, go to Item 2)

2. If Item 1 is NO (i.e., not fully operational), then indicate operational status of final, DTV (post-transition) facility and indicate date Licensee/Permittee expects to begin full, authorized post-transition operations: (check one)

(i) Licensee/Permittee is operating its post-transition facility pursuant to program test authority; see 47 C.F.R. § 73.1620(a). If checked, indicate date Licensee/Permittee expects to file its license to cover (FCC Form 302) application.

Expected Operational Date:

mm/dd/yyyy

(ii) Licensee/Permittee is operating its post-transition facility pursuant to special temporary authority (STA) or at a reduced facility. If checked, indicate power level and percentage of analog population covered by reduced facility.

Power Level:
Population:

(iii) Licensee/Permittee is not operating its post-transition facility.

3. Construction Status:

Has the Licensee/Permittee completed construction of its final, DTV (post-transition) facility?

Yes No (If YES, skip Items 4-5 and go to Item 6(a); In NO, go to Item 4.)

4. If Item 3 is NO (i.e., not fully constructed), then indicate construction status of final, DTV (post-transition) facility and indicate date Licensee/Permittee expects to complete construction: (check all that apply)

(i) Licensee/Permittee has not begun construction of its post-transition facility.

Expected Construction Date:

mm/dd/yyyy

(ii) Licensee/Permittee is now constructing its post-transition facility.

(iii) Licensee/Permittee has constructed a reduced post-transition facility and additional construction is needed to complete Licensee/Permittee's fully authorized facility.

5. Construction Permit Status:

Does the Licensee/Permittee hold a license or construction permit for its final, DTV (post-transition) facility?

Yes No (If YES, go to Item 6(a); If NO, skip Item 6(a) and go to Item 6(b).)

6. a. Does the Licensee/Permittee need to modify its license or construction permit in order to match the post-transition facilities defined for the Licensee/Permittee in the new DTV Table of Allotments, 47 C.F.R. § 73.622(i), as adopted in the Seventh Report and Order in MB Docket No. 87-268?

Yes No (If YES, go to 6(b); If NO, skip Item 6(b) and go to Section IV.)

b. Has the Licensee/Permittee filed an application for a new or modified construction permit for its final, DTV (post-transition) facility? (If YES, indicate relevant FCC File No. and date filed; If NO, indicate date Licensee/Permittee expects to file such application.) (NOTE: To qualify for expedited processing, the Licensee/Permittee must file its application within 45 days of the effective date of the Report and Order in the Third DTV Periodic Review proceeding, MB Docket No. 07-91, as well as meet other criteria established in that proceeding.)

Yes FCC File No. Date filed: mm/dd/yyyy

No Expected Filing Date: mm/dd/yyyy

SECTION IV -- ADDITIONAL STEPS NEEDED TO COMPLETE CONSTRUCTION (For Licensees/Permittees that are not fully constructed or operational.)

At present, Licensee/Permittee has the following needs that must be addressed before it can fully construct and/or operate its final, DTV (post-transition) facility: (Check all that apply and for all checked responses, describe issue and estimate date of resolution. If necessary, provide an explanation or attach an Exhibit.)

Exhibit No.

- (1) Licensee/Permittee needs to obtain FCC action on a pending application. (If checked, indicate date filed and relevant FCC File No.)
FCC File No. Date filed: mm/dd/yyyy
- (2) Licensee/Permittee needs to obtain international government clearance for its post-transition facility.
- (3) Licensee/Permittee needs to obtain FAA approval for its post-transition facility.
- (4) Licensee/Permittee needs to obtain state or local governmental approval (e.g., zoning) for its post-transition facility.
- (5) Licensee/Permittee needs to obtain, adjust and/or install equipment for its post-transition facility. (if checked, specify need below and indicate when equipment was ordered and expected delivery date.)
- (1) New antenna.
- (2) Adjust or install antenna (except for side-mount issue).
- (3) Switch side-mounted DTV antenna with top-mounted analog antenna.
- (4) New transmitter.
- (5) Adjust or install transmitter.
- (6) General installation of equipment requiring hiring of a tower crew.
- (7) Other equipment needs. (If checked, specify.)
- (6) Licensee/Permittee needs to change its tower location or construct a new tower.
- (7) Licensee/Permittee needs to coordinate its transition with other broadcast stations. (If checked, specify Call Signs of those other stations.)
- (8) Licensee/Permittee has other needs that must be addressed before it can fully construct and operate its post-transition facility. (If checked, explain.)

SECTION V -- ANALOG SERVICE

Status of Analog Service. (Check one.) If necessary, provide an explanation or attach an Exhibit. Note: Full-power television broadcast stations must cease broadcasting in analog as of the transition date (i.e., February 17, 2009), as required by statute; see 47 U.S.C. § 3090(14).

Exhibit No.

- (1) Licensee/Permittee will continue to provide full, authorized analog service until the transition date.
- (2) Licensee/Permittee has obtained FCC approval to reduce its analog service prior to the transition date. If checked, indicate relevant FCC File No., date reduced service will begin, power level and percentage of population covered by Licensee/Permittee's analog service.
- (3) Licensee/Permittee has obtained FCC approval to terminate its analog service prior to the transition date. If checked, indicate relevant FCC File No. and date service will cease.
- (4) Licensee/Permittee has filed an application with the FCC requesting approval to reduce its analog service prior to the transition date. If checked, indicate relevant FCC File No., proposed date reduced service would begin, proposed power level and percentage of population that would be covered by Licensee/Permittee's proposed reduced analog service.
- (5) Licensee/Permittee has filed an application with the FCC requesting approval to terminate its analog service prior to the transition date. If checked, indicate relevant FCC File No. and proposed date service will cease.

SECTION VI -- DTV TRANSITION PLAN For Licensees/Permittees that are not fully constructed or operational.)

Licensee/Permittee must describe in detail its plans for ceasing analog broadcasting by the February 17, 2009 transition date and for completing construction of its post-transition facility by the deadline. For example, plan must include a detailed time line of the Licensee/Permittee's plans to complete construction and any necessary testing of the Licensee/Permittee's full, authorized post-transition facility.

Exhibit No.

SECTION VII -- ANTI-DRUG ABUSE ACT CERTIFICATION

Filer certifies that neither it nor any party to the form is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. Yes No

SECTION VIII -- CERTIFICATION

I certify that the statements in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this election form. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001, AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

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