

Communications

July 15, 2008

The FCC Lifts the Freeze on the Filing of Class A Television Station Displacement and Expansion Applications

by Richard R. Zaragoza and Paul A. Cicelski

Yesterday, the FCC announced that, effective as of August 4, 2008, it was lifting the freeze on the filing of two types of Class A television station applications: (i) ones to expand authorized coverage through facilities modifications, and (ii) ones to substitute channels where current channels are expected to be displaced.

According to the attached Public Notice, the FCC will begin accepting such applications August 4, 2008 on a first-come, first-serve basis. All previously filed Class A displacement and expansion applications, which relied upon a waiver of the filing freeze, will be treated for “cut-off” purposes as filed on August 4, 2008. Therefore, Class A television licensees and permittees seeking to expand their authorized coverage or to replace their existing channels which will be displaced should work diligently to file on August 4, 2008 to ensure that they are entitled to interference protection from subsequently filed proposals.

Class A licensees and permittees will not be allowed to propose channel changes unless such change is the result of displacement.

If you wish any assistance in evaluating this opportunity or in the filing of your Class A applications, please contact any attorney in the firm’s Communications Practice Section.

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PUBLIC NOTICE

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DA 08-1644
Released: July 14, 2008

COMMISSION LIFTS THE FREEZE ON THE FILING OF CERTAIN CLASS A TELEVISION APPLICATIONS EFFECTIVE AUGUST 4, 2008

On August 3, 2004, the Media Bureau imposed a freeze on requests from full power and Class A television stations to maximize facilities or change DTV channels.¹ With respect to Class A television, the Media Bureau froze the filing of Class A station displacement applications and applications for coverage changes that would serve any area that was not already served by that Class A station's authorized facilities (Class A expansion applications).² As an exception to this freeze, on-air Class A stations demonstrating that they faced imminent disruption of service were permitted to request Special Temporary Authority to continue operations. The Media Bureau also stated that displacement applications filed by out-of-core LPTV stations that were deemed Class A-eligible requesting to move to an in-core channel where Class A authority could be granted would not be acted on during this freeze.³ For such stations, immediate non-Class A LPTV displacement relief could be requested through an STA.

The freeze provided a stable database during the channel election process and the initial processing of applications for full power stations' post-transition digital facilities.⁴ The Commission recently lifted the freeze on the filing of maximization applications by full power television stations.⁵ Given that action, we find it appropriate to lift the freeze on the aforementioned types of Class A station applications. Effective August 4, 2008, we lift the freeze on the filing of Class A displacement applications and Class A expansion applications.

Beginning August 4, 2008, we will accept Class A displacement and expansion applications on a "first-come, first-serve" basis and such applications will be treated for cut-off purposes on the date they are filed. In

¹ See "Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes, *Public Notice*, 19 FCC Rcd 14810 (MB 2004).

² *Id.*

³ *Id.*

⁴ See *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18308 (2004).

⁵ See "Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately," *Public Notice*, DA 08-1213, released May 30, 2008.

addition, Class A displacement and expansion applications that were filed prior to August 4, 2008, and that requested a waiver of the filing freeze, will be treated for cut-off purposes as being filed on August 4, 2008.

Class A displacement applications and Class A expansion applications must be filed using FCC Form 301-CA. FCC Form 301-CA must be filed electronically using the Commission's Consolidated Database System ("CDBS") Electronic Filing system via the Internet from the Media Bureau's Web site at: <http://www.fcc.gov/mb/cdbs.html> or http://fjallfoss.fcc.gov/prod/cdbs/forms/prod/cdbs_ef.htm.

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