

## Memorandum to Broadcast Clients

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#### **Commission Adopts Online Broadcast Station Call Sign System**

The Commission has adopted an online broadcast station call sign assignment system, thereby modernizing a time-consuming, laborious process that has been essentially unchanged since the FCC was created in 1934. The transition to the new electronic system is projected to begin shortly after the Mass Media Bureau completes its move to the new FCC headquarters building at the Portals complex in Washington, sometime in the next few months.

The system will allow licensees to determine call sign availability, request an initial call sign or change an existing call sign, and determine the appropriate fee. Adoption of this new system is a result of the FCC's biennial review of all broadcast regulations. The Commission believes that the new system will provide greater speed of action and more certainty for licensees applying for call signs.

The FCC estimates that a user will be able to query the system and reserve an available call sign in approximately 10 minutes. The system will prompt users if information is incorrect or incomplete, thereby ensuring that call sign requests filed are grantable. Under the old system, errors made in a call sign request have to be corrected after the licensee receives a notice of an error in the mail.

Security for the system will be ensured by an email verification process: users will supply an email address with their call sign request, and the FCC will then send a unique validation code number to that address so that licensees can confirm the transaction. Also, on the following business day after a call sign request is made, a postcard will be mailed to both the licensee and the person requesting the change so that any effort to make a call sign change that was not authorized by the licensee can be thwarted.

The new system will apply to all AM, FM, TV and LPTV licensees. The new rules also eliminate the requirement that LPTV permittees requesting four-letter call signs certify that station construction has been completed or is underway before applying for the four-letter call sign. In addition, the FCC has eliminated existing restrictions that prevent licensees or permittees in the same broadcast service from agreeing to call sign exchanges or transfers.

The rule changes became effective on December 29, 1998. However, the Mass Media Bureau will announce by *Public Notice* how and when the transition to the new electronic call sign system will occur. For more information on the new system, please contact the firm.

### **FCC Increasing Enforcement Efforts on Tower Registration, Painting and Lighting**

The FCC is increasing enforcement of its rules regarding the registration, painting and lighting of communications towers. The heightened enforcement comes after an audit by Commission staff that showed poor compliance with structure registration requirements in the wake of two recent near collisions between aircraft and unlit towers.

The results of the audit, released last month, showed that of 1,331 structures reviewed, 368 (28%) were not registered with the FCC. The audit was conducted by the Compliance and Information Bureau, which is the FCC's primary enforcement arm.

Part 17 of the FCC's rules requires that certain structures that may pose a hazard to air navigation be registered with the FCC. Most structures that must be registered are also required to display special painting and lighting in the interest of air traffic safety. The rules require that all towers that were subject to painting or lighting requirements prior to July 1, 1996 be registered with the FCC by July 1, 1998. We reported on the registration process as it progressed from 1996 through 1998 in two **Special Bulletins** and in a number of issues of **Memorandum to Broadcast Clients**.

The audit also revealed that over half of the towers examined that were registered did not have the required registration number displayed in a visible location near the base of the structure. Richard Lee, Chief of the Compliance and Information Bureau, said that the FCC places special importance on the obligation of antenna structure owners to register with the FCC, post the registration number on the base of the tower, and provide a copy of the registration to all FCC licensees who use the tower. "We consider the antenna structure registration program an essential part of air traffic safety," Lee said. "We will, therefore, step up our efforts to audit antenna structures for proper registration. Failure to comply may result in the issuance of monetary forfeitures to the owners."

The base fine amount for a violation of the painting and lighting rules in Part 17 is \$10,000 per violation, with upward adjustment factors like "egregious misconduct," "intentional violation," and "substantial harm," which the FCC could bring to bear in cases where a collision occurs.

In addition to potential fines from the FCC, there are also liabilities for loss of life, personal injury, and property damage if an improperly painted or improperly lit tower is involved in an air traffic accident. Aviation authorities may not be aware of an unregistered tower, and aircraft may therefore also be unaware of its existence, adding to the likelihood of an accident.

We urge all clients to review the status of towers used in their operations, whether they own the towers or merely lease space on them. In addition to verifying that each tower is properly registered with the Commission, a careful examination of the painting and lighting conditions of each tower should be made, and those results compared with the FCC requirements set out in Part 17. For more information on the obligations imposed by Part 17, as well as assistance in verifying compliance, please contact the firm.

### **Commission Opens Inquiry on Annual Regulatory Fees for Fiscal Year 1999**

The FCC issued a *Notice of Inquiry* last month to consider the amounts of annual regulatory fees and related issues for Fiscal Year 1999. Once the Commission has reviewed any comments and reply comments filed in response to the *Notice of Inquiry*, it will issue a *Notice of Proposed Rulemaking* proposing the new fee amounts and addressing other issues, such as fees for new services. This process, which occurs every year as required by the Communications Act, is designed to allow the FCC to recoup all of its costs of operations from those who are licensed or regulated by the Commission. The annual regulatory fees are collected by the Commission every September, immediately prior to the start of the federal government's new fiscal year. For more information on the annual regulatory fee process, please contact the firm.

### **FCC Website Has New Section on Low Power FM Radio Proposals**

The FCC has announced the creation of a new page on its website devoted to information on the issue of whether the FCC should authorize future low power FM radio services for local communities. The address is [www.fcc.gov/mmb/prd/lpfm](http://www.fcc.gov/mmb/prd/lpfm).

The issue under review by the FCC staff involves the potential creation of very low power FM radio stations that could meet the special needs of neighborhood community groups, religious groups, minority groups, schools, universities, and small businesses. The Commission has not indicated whether it plans to issue any sort of rulemaking document regarding the various proposals that have been made. For more information on the proposals, please contact any of the firm's attorneys.

### New FM Allotments

The following new FM allotments have been announced recently by the FCC. Due to the current freeze on the filing of broadcast applications, however, no filing windows for these allotments have been opened. It is anticipated that filing windows will be opened once the Commission has lifted the freeze. For more information, please contact any of the firm's attorneys.

Community	Channel
Wynnewood, OK	283A
Buxton, NC	260A
Buxton, NC	268A

### Firm Notes

**Dick Zaragoza** and **Laurie Lynch Flick** will be attending the *South Carolina Broadcasters Association Convention* from *January 28* through *January 30* in Columbia, South Carolina. **Dick** will attend the convention of the *National Religious Broadcasters* in Nashville from *January 31* through *February 3*. **Dave Oxenford** spoke to the Iowa Broadcasters Association in Des Moines on January 21, providing a general FCC update. **Glenn Richards** and firm Information Services Manager **Ricky Pursley** have written "*FCC Slams the Door on Slamming*," which will appear in the *March 1999* issue of *TeleProfessional Magazine*. **Frank Montero** continues his regular monthly column, *The Bottom Line*, in *RadioWorld* magazine with "*Construction Permits: Use 'em or Lose 'em*," appearing in the *January 6, 1999* issue, and also on

the World Wide Web at [www.rwonline.com](http://www.rwonline.com).

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## IMPORTANT DATES

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