
FCC Suspends September 1, 2015 Deadline for LPTV and Translator Stations to Shift from Analog to Digital

By Jessica Nyman

The FCC's Media Bureau announced that the September 1, 2015 deadline for Low Power TV and TV Translator stations to transition to digital will be suspended pending final action in the LPTV DTV rulemaking proceeding.

On April 24, 2015, the FCC's Media Bureau issued a *Public Notice* announcing that it would immediately suspend the September 1, 2015 digital transition date for LPTV and TV translator stations. The FCC's *Second Report and Order* had established the September 1 deadline for LPTV, TV translator, and Class A TV stations to terminate analog operations and transition to digital. However, in its *Third Notice of Proposed Rulemaking*, the FCC recognized that the upcoming spectrum auction and repacking process would likely displace a substantial number of LPTV and TV translator stations, and that 795 LPTV and 779 TV translator stations had not yet completed their digital conversion. Seeking to avoid requiring those stations to incur the costs of the digital transition prior to completion of the auction and repacking, the FCC proposed suspending the transition deadline. In the *Public Notice*, the FCC concluded that suspending the digital transition deadline would be appropriate to permit analog LPTV and TV translators to postpone construction of digital facilities that could be impacted by the spectrum auction and repacking.

The FCC's decision, however, does not affect Class A TV stations, which are still required to complete the digital transition by the September 1 deadline. Class A stations that do not complete construction of their digital facilities by 11:59 pm, local time, on **September 1, 2015** will be required to go dark until they complete construction of their digital facilities.

Additionally, although Class A stations are not required to cease analog transmissions until September 1, their digital facilities must be licensed or have an application for a license on file by **May 29, 2015** for those digital facilities to be fully protected by the FCC in the repacking process. Any Class A station that fails to meet the May 29 Pre-Auction Licensing Deadline will be afforded protection based solely on the coverage area and population served by its analog facilities, as set forth in the *Incentive Auction Report and Order*.

The FCC has not announced when the new transition date will be, other than to say the deadline will come after final action in its *LPTV DTV* proceeding. According to the *Third NPRM*, the FCC is weighing the benefit of waiting until the close of the auction to establish a new deadline—which would allow the FCC to

take into account the overall impact of the repacking process—against announcing a deadline sooner than the end of the auction, which could provide more certainty to LPTV and translator stations about when the digital transition will end and expedite the completion of that transition.

If you have any questions about the content of this Advisory, please contact the author of this Advisory or the Pillsbury attorney with whom you regularly work.

Jessica T. Nyman [\(bio\)](#)
Washington, DC
+1.202.663.8810
jessica.nyman@pillsburylaw.com

About Pillsbury Winthrop Shaw Pittman LLP

Pillsbury is a full-service law firm with an industry focus on energy & natural resources, media, financial services including financial institutions, real estate & construction, and technology. Based in the world's major financial, technology and energy centers, Pillsbury counsels clients on global business, regulatory and litigation matters. We work in multidisciplinary teams that allow us to understand our clients' objectives, anticipate trends, and bring a 360-degree perspective to complex business and legal issues—helping clients to take greater advantage of new opportunities, meet and exceed their objectives, and better mitigate risk. This collaborative work style helps produce the results our clients seek.

This publication is issued periodically to keep Pillsbury Winthrop Shaw Pittman LLP clients and other interested parties informed of current legal developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice.

© 2015 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.