

# License Renewal Application Reminder for Radio Stations in Iowa and Missouri and Television Stations in Florida, Puerto Rico, and the Virgin Islands

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## SEPTEMBER 2020

**O**ctober 1, 2020 is the license renewal application filing deadline for commercial and noncommercial radio and TV broadcast stations licensed to communities in the following states:

**Full Power AM and FM, Low Power FM, and FM Translator Stations:**

Iowa and Missouri

**Full Power TV, Class A, LPTV, and TV Translator Stations:**

Florida, Puerto Rico, and the Virgin Islands

### Overview

The FCC's state-by-state license renewal cycle began in June 2019 for radio stations and in June 2020 for television stations. Radio and TV stations licensed to communities in the respective states listed above should be moving forward with their license renewal preparation. This includes familiarizing themselves with not only the filing deadline itself, but with the requirements for this important filing, including recent changes the FCC has made to the public notice procedures associated with the filing (discussed below).

The license renewal application (FCC Form 2100, Schedule 303-S) primarily consists of a series of certifications in the form of Yes/No questions. The FCC advises that applicants should only respond "Yes" when they are certain that the response is correct. Thus, if an applicant is seeking a waiver of a particular rule or policy, or is uncertain that it has fully complied with the rule or policy in question, it should respond "No" to that certification. The application provides an opportunity for explanations and exhibits, so the FCC indicates that a "No" response to any of the questions "**will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted." An applicant should review any such exhibits or explanations with counsel prior to filing.

When answering questions in the license renewal application, the relevant reporting period is the licensee's entire 8-year license term. If the licensee most recently received a short-term license renewal, the application reporting period would cover only that abbreviated license term. Similarly, if the license was assigned or transferred via FCC Form 314 or 315 during the license term, the relevant reporting period is just the time since consummation of that last assignment or transfer.

Stations can find more detail on the FCC's license renewal application process in our most recent [Advisory](#) on the subject.

### **Certifications for Full Power TV and Class A TV Stations Only**

While there is significant overlap between the certifications included in both the radio and TV applications, an important portion of the license renewal application specific to full power TV and Class A TV stations concerns certifications regarding the station's children's television programming obligations.

The Children's Television Act of 1990 provides that commercial full power TV and Class A TV stations must: (1) limit the amount of commercial matter aired during programming designed for children ages 12 and under, and (2) air programming responsive to the educational and informational needs of children ages 16 and under. While stations have been required to submit Children's Television Programming Reports and commercial limits certifications demonstrating their compliance with these requirements on a quarterly or annual basis,<sup>1</sup> the license renewal application requires applicants to further certify that these obligations have been satisfied and documented as required over the entire license term and to explain any instances of noncompliance. Stations can find additional information on the children's television programming and reporting obligations in our **most recent Children's Television Programming Advisory**.

Although noncommercial TV stations are not subject to commercial limitations or required to file Children's Television Programming Reports, such stations are required to air programming responsive to children's educational and informational needs. In preparation for license renewal, such stations should therefore ensure they have documentation demonstrating compliance with this obligation in the event their license renewal is challenged.

For Class A television stations, in addition to certifications related to children's television programming, the application requires certification of compliance with the Class A eligibility and service requirements under Section 73.6001 of the FCC's Rules. Specifically, the Rules require such stations to broadcast a minimum of 18 hours a day and average at least three hours per week of locally produced programming each quarter to maintain their Class A status. Applicants must certify that they have and will continue to meet these requirements.

### **Post-Filing License Renewal Announcements**

In prior license renewal cycles, stations were required to give public notice of a license renewal application both before and after the filing of that application. For the current cycle, the FCC eliminated the pre-filing public notices and modified the procedures for post-filing notices. These changes modify the timing and number of on-air announcements required and revise the text of the announcements themselves. While the changes to post-filing notices are subject to Office of Management and Budget ("OMB") approval and therefore have not yet gone into effect, such approval could be received at any time. Accordingly, stations should continue to follow the prior rule with regard to post-filing notices for the moment, but remain alert for an announcement that the new rule has gone into effect.

As such, full power radio and LPFM stations, and full power TV and Class A TV, as well as LPTV stations capable of local origination, must broadcast six post-filing license renewal announcements. These announcements must air once per day on **October 1, October 16, November 1, November 16, December 1, and December 16, 2020**.

For full power radio and LPFM stations, at least three of these announcements must air between 7:00 am and 9:00 am and/or 4:00 pm and 6:00 pm. At least one announcement must also air in each of the following time periods: between 9:00 am and noon, between noon and 4:00 pm, and between 7:00 pm and midnight. For commercial stations not operating between either 7:00 am and 9:00 am or 4:00 pm and 6:00 pm, at least three of these announcements must air during the first two hours of operation.

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<sup>1</sup> Note that in 2019, the FCC changed the obligation to file the Children's Television Programming Report and place the commercial limits certification in the Public Inspection File from a quarterly requirement to an annual obligation.

For full power TV and Class A TV stations, at least three of these announcements must air between 6:00 pm and 11:00 pm (Eastern/Pacific) or 5:00 pm and 10:00 pm (Central/Mountain). At least one announcement must also air in each of the following local time periods: between 9:00 am and 1:00 pm, between 1:00 pm and 5:00 pm, and between 5:00 pm and 7:00 pm. LPTV stations capable of local origination must broadcast these announcements at these times or as close to the above schedule as their operating schedule permits.

The text of the post-filing announcement is as follows:

On [date of last renewal grant], [*call letters*] was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until **February 1, 2021**. [*Stations that have not received a renewal grant since the filing of their previous license renewal application should modify the foregoing to read: “(Call letters) is licensed by the Federal Communications Commission to serve the public interest as a public trustee.”*]

Our license will expire on **February 1, 2021**. We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection at [www.fcc.gov](http://www.fcc.gov). It contains information concerning this station’s performance during the last eight years [*or such other period of time covered by the application, if the station’s license term was other than a standard eight-year term*].

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by **January 1, 2021**.

Further information concerning the FCC’s broadcast license renewal process is available at [*address of location of the station*] or may be obtained from the FCC, Washington, DC 20554, [www.fcc.gov](http://www.fcc.gov).

### **Certification of Compliance**

Within seven days of the broadcast of the last announcement (i.e., by **December 23, 2020**), full power radio and TV station and Class A TV station license renewal applicants should complete the attached Statement of Compliance and place it in the station’s Public Inspection File. LPFM and LPTV license renewal applicants should complete the attached Statement of Compliance and place it in their station records file.

### **Newspaper Public Notice Requirement for FM Translator, TV Translator, and Certain LPTV Stations**

FM translator, TV translator, and LPTV stations not capable of local origination are not required to broadcast post-filing announcements, and have typically been required to publish public notices in newspapers instead. The rule changes referenced above eliminated the newspaper public notice requirement in favor of online public notices. However, as noted above, the revised rules are subject to OMB approval and therefore have not yet gone into effect, meaning that newspaper publication continues to be required for the moment.

Upon filing a license renewal application for such stations, the licensee must publish a public notice of the filing at least once in a daily, weekly or biweekly newspaper published or having circulation in the community served by the station. If there is no such newspaper, the licensee must determine an appropriate means of providing the required notice to the general public, such as posting it in the local post office or other public place.

The FCC has indicated that broadcasters who are eligible to file for license renewal of both a translator station and the full power station that it rebroadcasts in a single application can forgo running the newspaper public notice of the translator’s license renewal filing.

Otherwise, the notice must contain:

- the name of the applicant;
- the community served by such station;
- the station's transmitter site;
- the station's output channel and power;
- a statement that the station engages in rebroadcasting of another station, including the call letters, location and channel of operation of the station(s) rebroadcast;
- the date the application was filed; and
- a statement advising that the application is for renewal of license and inviting comment from individuals who wish to advise the FCC of facts relating to the renewal application and to whether the station has operated in the public interest.

After publishing the notice, the licensee should complete and execute a Statement of Compliance regarding that publication. While FM translator, TV translator, and LPTV station licensees are not required to keep a Public Inspection File, they are required to maintain and make available to FCC representatives a station records file that contains their current authorization and copies of all FCC filings and correspondence with the Commission. The completed Statement of Compliance should be included in the station records file.

**STATEMENT OF COMPLIANCE - BROADCAST PUBLIC NOTICE**

The undersigned states that station [call sign] broadcast the “Post-Filing Announcement,” attached hereto, over the station on the dates and times indicated below:

DATES

TIMES

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Signature: \_\_\_\_\_

Dated: \_\_\_\_\_



## Compliance Information for FM Translators, TV Translators and Certain LPTV Stations Only

### Instructions for Publication of Newspaper Public Notice

Below is sample text for the required public notice regarding the filing of a license renewal application for an FM translator, TV translator, or an LPTV station not capable of originating programming. Publication should begin immediately after filing the station's license renewal application.

As noted above, broadcasters who seek renewal of both a translator station and the full power station that it rebroadcasts using the same application need not run the below newspaper public notice.

Publication is to be made in a daily, weekly or biweekly newspaper of general circulation in the community of license of the station. The notice must appear at least once.

### PUBLIC NOTICE

On *[date of filing of application for renewal of license]*, *[the licensee]* filed an application with the Federal Communications Commission for renewal of license of *[station call sign]* which is licensed to serve *[community of license]*. The station transmits from a site *[description of location of transmitter site]* with an effective radiated power of *[ERP]*. The station rebroadcasts *[call sign of primary station, channel number and community of license]*. Individuals who wish to advise the FCC of facts relating to the renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by *[30 days prior to the expiration of the station's license]*, by writing to: FCC, Washington, DC 20554.

Immediately following the newspaper publication, secure an affidavit from the newspaper attesting to the publication and specifying the date(s) on which the publication occurred. The newspaper should attach to its affidavit a copy of the text of the notice as published. Attach the original of the affidavit to the original of the "Certificate of Compliance, Newspaper Public Notice" (example below), which must be executed. Place the originals in the station's records file.

**CERTIFICATE OF COMPLIANCE**

**NEWSPAPER PUBLIC NOTICE**

I hereby certify that a notice of the filing of the application for renewal of license of station [*call sign*] has been accomplished in the manner prescribed by Section 73.3580 of the Rules and Regulations of the Federal Communications Commission.

The notice appeared in \_\_\_\_\_, a [*daily, weekly, biweekly*] newspaper in general circulation in [*location of paper, which should be the station's community of license as well*] on the following date(s): \_\_\_\_\_.

Attached hereto is a copy of an affidavit of an employee of the newspaper attesting to the fact of publication, supplying a copy of the notice as it appeared in the newspaper, and specifying the date(s) on which the notice appeared.

Applicant: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_