

Pre-Filing and Post-Filing License Renewal Announcement Reminder for Radio Stations in Texas

by Lauren Lynch Flick

*Full power commercial and noncommercial radio stations and LPFM stations licensed to communities in Texas must begin airing pre-filing license renewal announcements on **February 1, 2013**. License renewal applications for these stations, and for in-state FM translator stations, are due by **April 1, 2013**.*

Pre-Filing License Renewal Announcements

Full power commercial and noncommercial radio, LPFM, and FM Translator stations whose communities of license are located in Texas must file their license renewal applications with the FCC by April 1, 2013.

Beginning two months prior to that filing, full power commercial and noncommercial radio and LPFM stations must air four pre-filing announcements alerting the public to the upcoming renewal application filing. As a result, these radio stations must air the first pre-filing renewal announcement on **February 1, 2013**. The remaining pre-filing announcements must air once a day on **February 16, March 1, and March 16, 2013**, for a total of four announcements. At least two of these four announcements must air between 7:00 a.m. and 9:00 a.m. and/or 4:00 p.m. and 6:00 p.m.

The text of the pre-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 **August 1, 2013**. [Stations that have not received a renewal grant since the filing of their previous 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 **August 1, 2013**. We must file an application for renewal with the FCC by **April 1, 2013**. When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last eight years [or other period of time covered by the application, if the station's license term was not a standard eight-year license 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 Commission by **July 1, 2013**.

Further information concerning the FCC's broadcast license renewal process is available at [address of location of station's public inspection file] or may be obtained from the FCC, Washington, DC 20554.

If a station misses airing an announcement, it should broadcast a make-up announcement as soon as possible and contact us to further address the situation. Special rules apply to noncommercial educational stations that do not normally operate during any month when their announcements would otherwise be due to air, as well as to other silent stations. These stations should also contact us regarding how to give the required public notice.

Post-Filing License Renewal Announcements

Once the license renewal application has been filed, full power commercial and noncommercial radio and LPFM stations must broadcast six post-filing renewal announcements. These announcements must air, once per day, on **April 1, April 16, May 1, May 16, June 1, and June 16, 2013**. At least three of these announcements must air between 7:00 a.m. and 9:00 a.m. and/or 4:00 p.m. and 6:00 p.m. At least one announcement must air in each of the following time periods: between 9:00 a.m. and noon, between noon and 4:00 p.m., and between 7:00 p.m. and midnight.

The text of the 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 **August 1, 2013**.

Our license will expire on **August 1, 2013**. We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection during our regular business hours. It contains information concerning this station's performance during the last eight years [or other period of time covered by the application, if the station's license term was not a standard eight-year license 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 Commission by **July 1, 2013**.

Further information concerning the FCC's broadcast license renewal process is available at [address of location of station's public inspection file] or may be obtained from the FCC, Washington, DC 20554.

Public Inspection File Certification of Compliance

Within seven days of the broadcast of the last post-filing announcement (i.e. by June 23, 2013), license renewal applicants should complete the attached Statement of Compliance and place it in the station's public inspection file in a unique folder so that it can easily be retrieved.

Newspaper Public Notice Requirement for FM Translator Stations

While FM translator stations must file their license renewal applications at the same time as full power stations licensed to communities in the same state, they are not required to broadcast pre-filing or post-filing announcements. Instead, upon filing a license renewal application for an FM translator, 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 translator. 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 seek renewal of both a translator station and the full power station that it rebroadcasts using the same application form can forgo running the newspaper public notice of the translator's renewal filing.

The notice must contain the name of the applicant, the community served by the translator, the translator'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 FM translator licensee should complete and execute a Statement of Compliance regarding that publication. While FM translator licensees are not required to keep a public inspection file, they are required to maintain a station records file available to an FCC representative 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.

For more information on the FCC's license renewal process and public notice requirements, as well as practical advice for timely filing an FCC-acceptable license renewal application, please contact any of the attorneys in Pillsbury's Communications Practice.

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

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STATEMENT OF COMPLIANCE

Now comes the undersigned who states that the "Pre-filing Announcement," attached hereto, was broadcast over station _____ on the dates and times indicated below:

DATES

TIMES

The undersigned further states that the station broadcast the "Post-Filing Announcement," attached hereto, over the station on the dates and times indicated below:

DATES

TIMES

Signed: _____

Dated: _____

Compliance Information for FM Translators Only**Instructions for Publication of Newspaper Public Notice**

Below is the sample text of the required public notice regarding the filing of the application for renewal of license of an FM translator. Publication should begin immediately after filing of 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 of the translator's renewal filing.

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.

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," which must be executed. Place the originals in the station file.

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.

CERTIFICATE OF COMPLIANCE

NEWSPAPER PUBLIC NOTICE

I hereby certify that a notice of the filing of the application for renewal of license of FM Translator [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 _____ 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: _____

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