

Pre-Filing and Post-Filing License Renewal Announcement Reminder for TV Stations in Colorado, Minnesota, Montana, North Dakota, and South Dakota

By Lauren Lynch Flick and Scott R. Flick

*TV, Class A TV, and certain LPTV stations licensed to communities in Colorado, Minnesota, Montana, North Dakota, and South Dakota must begin airing pre-filing license renewal announcements on **October 1, 2013**. License renewal applications for these stations and in-state TV translator stations are due by **December 2, 2013**.*

Pre-Filing License Renewal Announcements

Stations in the video services that are licensed to communities in Colorado, Minnesota, Montana, North Dakota, and South Dakota must file their license renewal applications by **December 2, 2013**.

Beginning two months prior to that filing, full power TV, Class A TV, and LPTV stations capable of local origination must air four pre-filing renewal announcements alerting the public to the upcoming license renewal application filing. These stations must air the first pre-filing announcement on **October 1, 2013**. The remaining announcements must air on **October 16, November 1, and November 16, 2013**, for a total of four announcements. A sign board or slide showing the licensee's address and the FCC's Washington DC address must be displayed while the pre-filing announcements are broadcast.

For commercial stations, at least two of these four announcements must air between 6:00 p.m. and 11:00 p.m. (Eastern/Pacific) or 5:00 p.m. and 10:00 p.m. (Central/Mountain). Locally-originating LPTV stations must broadcast these announcements as close to the above schedule as their operating schedule permits. Noncommercial stations must air the announcements at the same times as commercial stations, but need not air any announcements in a month in which the station does not operate. A noncommercial station that will not air some announcements because it is off the air must air the remaining announcements as listed above, i.e., the first two must air between 6:00 p.m. and 11:00 p.m. (Eastern/Pacific) or 5:00 p.m. and 10:00 p.m. (Central/Mountain).

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 **April 1, 2014**. *[Stations which 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 **April 1, 2014**. We must file an application for renewal with the FCC by **December 2, 2013**. When filed, a copy of this application will be available for public inspection at www.fcc.gov. 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 **March 1, 2014**.

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.

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. As noted above, special rules apply to noncommercial stations that do not normally operate during any month when their announcements would otherwise be required to air, as well as to other silent stations. These stations should contact us to ensure they give the required public notice.

Post-Filing License Renewal Announcements

Once the license renewal application has been filed, full power TV, Class A TV, and locally-originating LPTV stations must broadcast six post-filing renewal announcements. These announcements must air on **December 1 and December 16, 2013, and January 1, January 16, February 1, and February 16, 2014**. At least three of these announcements must air between 6:00 p.m. and 11:00 p.m. (Eastern/Pacific) or 5:00 p.m. and 10:00 p.m. (Central/Mountain). At least one announcement must air in each of the following local time periods: between 9:00 a.m. and 1:00 p.m., between 1:00 p.m. and 5:00 p.m., and between 5:00 p.m. and 7:00 p.m. A sign board or slide showing the licensee's address and the FCC's Washington DC address must be displayed while the post-filing announcements are being broadcast.

Noncommercial stations should air the announcements on this same schedule, except in those circumstances described above where they do not normally operate at that time. Locally-originating LPTV stations must broadcast these announcements 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 **April 1, 2014**.

Our license will expire on **April 1, 2014**. We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection at www.fcc.gov. 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 FCC by **March 1, 2014**.

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.

Public Inspection File Statement of Compliance

Within seven days of the broadcast of the last post-filing announcement (i.e. by **February 23, 2014**), television and Class A television station applicants should complete the attached Statement of Compliance and upload it to the station's online public inspection file in the appropriate section. Locally-originating LPTV stations should also complete the Statement of Compliance. While LPTV stations are not required to keep a public inspection file, they are required to maintain a station records file containing their current authorization and copies of all FCC filings and correspondence with the Commission. Therefore, LPTV stations should place the completed Statement of Compliance in that station file.

Newspaper Public Notice Requirements for Certain LPTV and TV Translator Stations

LPTV stations that do not locally originate programming and TV translator stations are not required to broadcast pre-filing or post-filing announcements. However, upon filing a license renewal application for such a station, the licensee must publish a public notice of the filing in a local 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 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 station, the station's transmitter site, the station's output channel and power, a statement that the station engages in or intends to engage 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 which advises that the application is for renewal of license and invites comments from individuals who wish to advise the FCC of facts relating to the renewal application and whether the station has operated in the public interest. After publication of the notice, the licensee should complete and execute the attached Statement of Compliance regarding that publication.

While LPTV and TV translator licensees are not required to keep a public inspection file, they are required to maintain a station records file containing their current authorization and copies of all FCC filings and correspondence with the Commission. Therefore, LPTV and TV translator stations should place the completed Statement of Compliance in that station file.

More information on complying with the newspaper public notice requirement can be found on pages 6 and 7 of this Advisory.

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 authors of this Advisory.

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STATEMENT OF COMPLIANCE

BROADCAST PUBLIC NOTICE

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 LPTV and TV Translators Only

Instructions for Publication of Newspaper Public Notice

Below is the sample text of the required public notice regarding the filing of a license renewal application for an LPTV station that does not originate programming or a TV translator station. Publication should begin immediately after the filing of the 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 a 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. Finally, place the originals in the station file and send a full copy to the Communications Practice for our files.

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 *[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 the FCC, Washington DC, 20554.

STATEMENT 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 _____ 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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