
Annual DTV Ancillary/Supplementary Services Report for Commercial Digital Television Stations

by Scott R. Flick and Christine A. Reilly

All commercial and noncommercial educational digital television broadcast station licensees and permittees must file FCC Form 317 to report whether their stations provided ancillary or supplemental services at any time during the twelve-month period ending on the preceding September 30. The FCC Form 317 is due by December 1, 2009. Electronic filing of FCC Form 317 is mandatory. Paper versions will not be accepted for filing unless accompanied by an appropriate request for waiver.

Ancillary or supplementary services are all services provided on the portion of a DTV station's digital spectrum capacity or bitstream that is not necessary to provide the required single free, over-the-air signal to viewers. Thus, any video broadcast signal provided at no direct charge to viewers is exempt. According to the FCC, examples of services that are considered ancillary or supplementary include, but are not limited to, "computer software distribution, data transmissions, teletext, interactive materials, aural messages, paging services, audio signals, subscription video, and the like."

If a DTV station provided ancillary or supplementary services during the 12-month time period ending on September 30, 2009, it must remit to the FCC 5% of the gross revenues derived from the provision of those ancillary or supplementary services. This remittance can be forwarded to the FCC's lockbox at the U.S. Bank, St. Louis, Missouri and must be accompanied by FCC Form 159, the Remittance Advice. Alternatively, the fee can be paid electronically using a credit card on the FCC's website. However, the Form 317 must be submitted even if the station did not provide any such services and owes nothing.

For further information, please contact:

Scott R. Flick (bio)
Washington, DC
+1.202.663.8167
scott.flick@pillsburylaw.com

Christine A. Reilly (bio)
Washington, DC
+1.202.663.8245
christine.reilly@pillsburylaw.com

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.
© 2009 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.