

---

## 2010 Broadcasters' Calendar

---

### Items of Note in 2010

- 1. Biennial Ownership Report Filing Requirements for Commercial Stations:** The biennial ownership filing requirement for commercial stations has been stayed indefinitely as of the date of this publication. This stay arose out of difficulties implementing a new version of FCC Form 323 for use by commercial stations, including Class A television stations. The stay does not affect the biennial ownership reporting requirements of noncommercial stations, the due dates for which are still tied to the anniversary date of the station's license renewal application deadline (and which are noted in this calendar). When the FCC resolves its difficulties surrounding use of the new Form 323, commercial broadcast stations will be required to file a biennial ownership report on the new form with information that is current as of November 1, 2009. Broadcasters should be alert to the announcement by the FCC of the new due date.
- 2. DTV Quarterly Activity Station Report on FCC Form 388:** This filing, which reports on a television station's efforts to educate consumers as to issues surrounding the station's transition to digital television, is no longer required to be filed by the majority of television stations because they have completed the transition to their full and final digital facilities and therefore ceased public information activities. However, for those stations that have not completed the transition, the consumer education requirements continue to apply, as does the requirement to file FCC Form 388 quarterly. Accordingly, due dates for that filing are noted for each quarter for the benefit of any stations still subject to this obligation.
- 3. Television Station Quarterly Issues/Programs Lists:** The FCC previously adopted a new form, FCC Form 355, to replace the Quarterly Issues/Programs List filings by television stations. Use of the form has not commenced as of the date of this publication. Broadcasters should be alert to an announcement by the FCC of the form's implementation.
- 4. Television Station Online Public File:** The FCC previously adopted a requirement that television stations place the contents of their Public Inspection Files on the Internet, if they have a website. As of the date of this publication, this requirement has not been implemented. Broadcasters should be alert to an announcement by the FCC of the implementation of this online obligation.
- 5. Annual EEO Report on FCC Form 395-B:** The FCC suspended use of this form in 2001 in connection with the revision of its EEO Rule. In 2004, the Commission announced that it would resume use of the form and would advise the broadcast industry of the due date for the first filing of the newly re-imposed form. As of the date of this publication, no such announcement has been made.

The Form 395-B requires stations to provide a “snapshot” in time of the racial and gender makeup of its workforce based on a two-week payroll period during the months of July, August or September. Broadcasters should be alert to a future announcement regarding the form’s due date. While the Form 395-B is currently suspended, other EEO reporting obligations remain in effect, and their due dates are noted in this Calendar.

### Disclaimer

The following deadlines are based on information known by us as of the date hereof. These deadlines may or may not apply to any particular broadcaster. These deadlines are provided for general informational purposes only and should be double-checked for currency close to each pertinent date/deadline. Actions by the FCC, Congress, or the courts could affect any of these deadlines by, for example, eliminating a particular reporting/filing obligation altogether or modifying the form used, content, deadline, fee, or manner of reporting/filing. It should also be noted that, as a general rule, when a deadline for filing a document with the FCC falls on a weekend or a federal holiday, the filing deadline will shift to the next business day. The listing of deadlines below is not intended to be complete or exhaustive of all regulatory and non-regulatory deadlines that may apply to a given broadcaster year-to-year. Accordingly, broadcasters should seek the advice of communications counsel in each instance to assure timely and proper filing. This edition of our annual “Broadcasters’ Calendar” supersedes all prior editions and accordingly any prior editions should no longer be used.

---

For further information, please contact:

Richard R. Zaragoza **(bio)**  
Washington, DC  
+1.202.663.8266  
richard.zaragoza@pillsburylaw.com

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

Lauren Lynch Flick **(bio)**  
Washington, DC  
+1.202.663.8166  
lauren.lynch.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.

© 2010 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.

## January 10

### **Quarterly Issues/Programs List Required**

The Quarterly Issues/Programs List covering the time period beginning October 1, 2009 and ending December 31, 2009 must be placed in the public inspection files of all full-power **radio**, full-power **television**, and Class A **television** stations by this date.

### **Certification of Children's Commercial Time Limitations Required**

Commercial full-power and Class A **television** stations must place in their public inspection files by this date records "sufficient to verify compliance" with the FCC's commercial time limitations in children's programming broadcast during the period October 1, 2009 through December 31, 2009. At the present time, the records are not required to be filed with the FCC.

### **FCC Form 398 Children's Programming Report Due**

Commercial full-power and Class A **television** stations must by this date complete FCC Form 398 demonstrating their responsiveness to "the educational and informational needs of children" for the period from October 1, 2009 through December 31, 2009, and place the completed form in the station's public inspection file. The form must also be electronically filed with the FCC by this date.

### **FCC Form 388 DTV Consumer Education Report Due**

All full-power **television** stations that have not yet completed construction and commenced operation of their final post-transition DTV facilities must complete and electronically file by this date an FCC Form 388 demonstrating their compliance with DTV consumer education initiative requirements for the period from October 1, 2009 to December 31, 2009. The form must also be placed in the station's public inspection file and posted to the station's website (if it has one) by this date.

### **Class A Television Continuing Eligibility Certification**

Class A **television** stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that Class A **television** stations generate such documentation quarterly and place it in their public inspection files by this date.

## January 14

### **Copyright Royalty Fee—Monthly Report of Use and Monthly Usage Statement of Account Forms Due**

Commercial and noncommercial webcasters and simulcasters must file Monthly Report of Use and Monthly Usage Statement of Account forms on or before the 45<sup>th</sup> day following the end of each month. By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending November 30, 2009. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer.

A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

## February 1

### Copyright Royalty Fee—Annual Minimum Fee Statement of Account Form Due

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet **must submit the Minimum Fee Statement of Account Form** and the annual \$500 copyright royalty fee to SoundExchange. The signed form must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM. SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A hard copy of the form should also accompany the payment. This \$500 fee represents the minimum annual fee for all filers; additional monthly fees may be required. If your **radio** broadcast station is simulcast or rebroadcast on the Internet, we encourage you to consult qualified counsel with regard to your obligations.

### Annual EEO Public File Report Required

Station employment units (“SEUs”) that have five or more full-time employees and are comprised of **radio and/or television** stations licensed to communities in **Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, and Oklahoma** must place in their public inspection files (and post on their station websites, if they have them) by this date, a report regarding station compliance with the EEO Rule during the period February 1, 2009 through January 31, 2010. SEUs may “cut off” the reporting period up to ten (10) days before February 1 so long as they begin the next annual reporting period as of the day right after the cut-off day used in the immediately prior report. The report must contain the following information: (a) a list of all full-time job vacancies filled, identified by job title; (b) recruitment sources used to fill each of those job vacancies (including organizations entitled to notification of job vacancies), including the address, contact person, and telephone number of each recruitment source; (c) a list of the recruitment sources that referred the individual hired for each full-time job vacancy that was filled; (d) data reflecting the total number of persons interviewed for full-time job vacancies and the total number of interviewees referred by each recruitment source; and (e) a list and brief description of other recruitment outreach efforts from the FCC’s menu of choices that the station employment unit engaged in during the preceding 12 months. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

### FCC Form 397 EEO Mid-Term Report Due

February 1 is also the mid-point in the license renewal term of **radio** stations licensed to communities in **New Jersey and New York** and **television** stations licensed to communities in **Kansas, Nebraska and Oklahoma**. By this date, radio station SEUs with 11 or more full-time employees in those States/Territories must electronically file the FCC Form 397 Broadcast Mid-Term Report (“397 Report”) along with copies of the SEU’s two most recent Annual EEO Public File Reports. All full-power television station SEUs in those States/Territories, regardless of the number of full-time employees, must electronically file the 397 Report by this date. However, only television SEUs with five or more full-time employees are required to also submit copies of the SEU’s two most recent Annual EEO Public File Reports. Affected SEUs that have been the subject of a prior FCC EEO audit must still file FCC Form 397 by the deadline.

### **FCC Form 323 Biennial Ownership Report Due**

Licensees and permittees (other than sole proprietorships or partnerships composed entirely of natural persons) that operate noncommercial **radio** stations licensed to communities in **Arkansas, Louisiana, Mississippi, New Jersey or New York** or noncommercial **television** stations licensed to communities in **Kansas, Nebraska, or Oklahoma** must electronically file their biennial ownership reports by this date on FCC Form 323-E, unless they have consolidated this filing date with that of other commonly owned stations licensed to communities in other states. FCC Form 323-E does not require a filing fee.

### **February 14**

#### **Copyright Royalty Fee – Monthly Usage Statement of Account Form and Quarterly Report of Use Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending December 31, 2009. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

### **March 17**

#### **Copyright Royalty Fee—Monthly Usage Statement of Account Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending January 31, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

### **April 1**

#### **Annual EEO Public File Report Required**

Station employment units (“SEUs”) that have five or more full-time employees and are comprised of **radio and/or television** stations licensed to communities in **Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, and Texas** must place in their public inspection files (and post on their station website, if there is one) by this date, a report regarding station compliance with the EEO Rule during the period April 1, 2009 through March 31, 2010. SEUs may “cut off” the reporting period up to 10 days before April 1 so long as they begin the next annual reporting period as of the day right after the cut-off day used in the immediately prior report. The report must contain the following information: (a) a list of all full-time job vacancies filled during the preceding year, identified by job title; (b) recruitment sources used to fill each of those job vacancies (including organizations entitled to notification of job vacancies), including the address, contact person, and telephone number of each recruitment source; (c) a list of the recruitment sources that referred the individuals hired for each full-time job vacancy that was filled; (d) data reflecting the total number of persons interviewed for full-time job vacancies during the preceding year and the total

number of interviewees referred by each recruitment source; and (e) a list and brief description of other recruitment outreach efforts from the FCC's menu of choices that the station employment unit engaged in during the preceding 12 months. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

### **FCC Form 397 EEO Mid-Term Report Due**

April 1 is the mid-point in the license renewal term of **radio** stations licensed to communities in **Delaware and Pennsylvania** and **television** stations licensed to communities in **Texas**. By this date, radio station SEUs with eleven or more full-time employees in those States/Territories must electronically file the FCC Form 397 Broadcast Mid-Term Report ("397 Report") along with copies of the SEU's two most recent Annual EEO Public File Reports. All full-power television station SEUs in those States/Territories, regardless of the number of full-time employees, must electronically file the 397 Report by this date. However, only television SEUs with five or more full-time employees are required to also submit copies of the SEU's two most recent Annual EEO Public File Reports. Affected SEUs that have been the subject of a prior FCC EEO audit must still file FCC Form 397 by the deadline.

### **FCC Form 323 Biennial Ownership Report Due**

Licensees and permittees (other than sole proprietorships or partnerships composed entirely of natural persons) that operate noncommercial **radio** stations licensed to communities in **Delaware, Indiana, Kentucky, Pennsylvania, or Tennessee** or noncommercial **television** stations licensed to communities in **Texas**, must electronically file their biennial ownership reports on FCC Form 323-E by this date, unless they have consolidated this filing date with that of other commonly owned stations licensed to communities in other states. FCC Form 323-E does not require a filing fee.

## **April 10**

### **Quarterly Issues/Programs List Required**

The Quarterly Issues/Programs Lists covering the time period beginning January 1, 2010 and ending March 31, 2010, must be placed in the public inspection files of all **radio**, full-power **television**, and Class A **television** stations by this date.

### **Certification of Children's Commercial Time Limitations Required**

Commercial full-power and Class A **television** stations must place in their public inspection files by this date records "sufficient to verify compliance" with the FCC's commercial time limitations for children's programming broadcast during the period January 1, 2010 through March 31, 2010. At the present time, the records are not required to be filed with the FCC.

### **FCC Form 398 Children's Programming Report Due**

Commercial full-power and Class A **television** stations must by this date complete FCC Form 398 demonstrating their responsiveness to "the educational and informational needs of children" for the period from January 1, 2010 through March 31, 2010, and place the completed form in the station's public inspection file. The form must also be electronically filed with the FCC by this date.

**FCC Form 388 DTV Consumer Education Report Due**

All full-power television stations that have not yet completed construction and commenced operation of their final post-transition DTV facilities must complete and electronically file by this date FCC Form 388 demonstrating their compliance with DTV consumer education initiative requirements for the period from January 1, 2010 to March 31, 2010. The form must also be placed in the station's public inspection file and posted to the station's website (if it has one) by this date.

**Class A Television Continuing Eligibility Certification**

Class A **television** stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that Class A **television** stations generate such documentation quarterly and place it in their public inspection files by this date.

**April 14****Copyright Royalty Fee—Monthly Usage Statement of Account Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending February 28, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

**May 15****Copyright Royalty Fee—Monthly Usage Statement of Account Form and Quarterly Report of Use Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending March 31, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

**June 1****Annual EEO Public File Report Required**

Station employment units ("SEUs") that have five or more full-time employees and are comprised of **radio and/or television** stations licensed to communities in **Arizona, the District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia, and Wyoming** must place in their public inspection files (and post on their station website, if there is one) a report regarding station compliance with the EEO during the period June 1, 2009 through May 31, 2010. SEUs may "cut off" the reporting period up to ten (10) days before June 1 so long as they begin the next annual reporting period

as of the day right after the cut-off day used in the immediately prior report. The report must contain the following information: (a) a list of all full-time job vacancies filled during the preceding year, identified by job title; (b) recruitment sources used to fill each of those job vacancies (including organizations entitled to notification of job vacancies), including the address, contact person, and telephone number of each recruitment source; (c) a list of the recruitment sources that referred the individuals hired for each full-time job vacancy that was filled; (d) data reflecting the total number of persons interviewed for full-time job vacancies during the preceding year and the total number of interviewees referred by each recruitment source; and (e) a list and brief description of other recruitment outreach efforts from the FCC's menu of choices that the station employment unit engaged in during the preceding 12 months. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

### **FCC Form 397 EEO Mid-Term Report Due**

June 1 is also the mid-point in the license renewal term of **television** stations licensed to communities in **Arizona, Idaho, Nevada, New Mexico, Utah, or Wyoming**. All full-power television station SEUs in those States/Territories, regardless of the number of full-time employees, must electronically file the 397 Report by this date. However, only television SEUs with five or more full-time employees are required to attach copies of the SEU's two most recent Annual EEO Public File Reports to their 397 Report. Affected SEUs that have been the subject of a prior FCC EEO audit must still file FCC Form 397 by the deadline.

### **FCC Form 323 Biennial Ownership Report Due**

Licensees and permittees (other than sole proprietorships or partnerships composed entirely of natural persons) that operate noncommercial **radio** stations licensed to communities in **Michigan or Ohio** or non-commercial **television** stations licensed to communities in **Arizona, the District of Columbia, Idaho, Maryland, Nevada, New Mexico, Utah, Virginia, West Virginia, or Wyoming** must electronically file their biennial ownership reports on FCC Form 323-E by this date, unless they have consolidated this filing date with the date for other commonly owned stations licensed to communities in other states. FCC Form 323-E does not require a filing fee.

## **June 14**

### **Copyright Royalty Fee – Monthly Usage Statement of Account Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending April 30, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

## **July**

### **Regulatory Fees Announced**

The FCC is expected to release a Public Notice this month indicating the dates by which annual regulatory fees must be filed with the FCC.



## July 10

### **Quarterly Issues/Programs List Required**

The Quarterly Issues/Programs Lists covering the time period beginning April 1, 2010 and ending June 30, 2010 must be placed in the public inspection files of all **radio**, full-power **television**, and Class A **television** stations by this date.

### **Certification of Children's Commercial Time Limitations Required**

Commercial full-power and Class A **television** stations must place in their public inspection files by this date records "sufficient to verify compliance" with the FCC's commercial time limitations for children's programming broadcast during the period April 1, 2010 through June 30, 2010. At the present time, the records are not required to be filed with the FCC.

### **FCC Form 398 Children's Programming Report Due**

Commercial full-power and Class A **television** stations must by this date complete FCC Form 398 demonstrating their responsiveness to "the educational and informational needs of children" for the period from April 1, 2010 to June 30, 2010, and place the completed form in the station's public inspection file. The form must also be electronically filed with the FCC by this date.

### **FCC Form 388 DTV Consumer Education Report Due**

All full-power television stations that have not yet completed construction and commenced operation of their final post-transition DTV facilities must complete and electronically file by this date an FCC Form 388 demonstrating their compliance with DTV consumer education initiative requirements for the period from April 1, 2010 to June 30, 2010. The form must also be placed in the station's public inspection file and posted to the station's website (if it has one) by this date.

### **Class A Television Continuing Eligibility Certification**

Class A **television** stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that Class A **television** stations generate such documentation quarterly and place it in their public inspection files by this date.

## July 15

### **Copyright Royalty Fee – Monthly Usage Statement of Account Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending May 31, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

## July 31

### Copyright Royalty Claims Due

**Television** stations with locally-produced programming whose signals were carried as distant signals by at least one cable system in 2009, and **television** stations with locally-produced programming whose signals were carried by at least one satellite carrier for home viewing in 2009, are eligible to file royalty claims for compensation with the Copyright Office in Washington, DC by this date.<sup>1</sup> Under the federal Copyright Act, cable systems and satellite operators must pay “compulsory license” royalties to carry TV signals on their systems. The royalties are used to compensate the owners of copyrighted works broadcast on those signals. After the royalties are collected from cable systems and satellite operators, and claims are filed, proceedings are held by the Copyright Office to divide the royalties among the copyright owner groups who claim shares of the royalty fund. The annual royalty fund for cable exceeds \$100 million, and the annual royalty fund for satellite exceeds \$60 million. Stations that do not file claims by the deadline will not be able to collect royalties for carriage of their signals during 2009. Royalty claims must include basic station information, as well as information regarding the copyrighted works for which the claim is made. Station group owners can file a single claim for the group, but must list each station individually on the claim in order for each station to qualify for royalties.

## August 1

### Annual EEO Public File Report Required

Station employment units (“SEUs”) that have five or more full-time employees and are comprised of **radio and/or television** stations licensed to communities in **California, Illinois, North Carolina, South Carolina, and Wisconsin** must place in their public inspection files (and post on their station website, if there is one) a report regarding station compliance with the EEO Rule during the period August 1, 2009 through July 31, 2010. SEUs may “cut off” the reporting period up to ten (10) days before August 1 so long as they begin the next annual reporting period as of the day right after the cut-off day used in the immediately prior report. The report must contain the following information: (a) a list of all full-time job vacancies filled during the preceding year, identified by job title; (b) recruitment sources used to fill each of those job vacancies (including organizations entitled to notification of job vacancies), including the address, contact person, and telephone number of each recruitment source; (c) a list of the recruitment sources that referred the individuals hired for each full-time job vacancy that was filled; (d) data reflecting the total number of persons interviewed for full-time job vacancies during the preceding year and the total number of interviewees referred by each recruitment source; and (e) a list and brief description of other recruitment outreach efforts from the FCC’s menu of choices that the station employment unit engaged in during the preceding 12 months. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

### FCC Form 397 EEO Mid-Term Report Due

August 1 is also the mid-point in the license renewal term of **television** stations licensed to communities in **California**. All full-power television station SEUs in those States/Territories, regardless of the number of full-time employees, must electronically file the 397 Report by this date. However, only television SEUs with five or more full-time employees are required to attach copies of the SEU’s two most recent Annual

<sup>1</sup> Online or hand-delivered claims must be submitted by 5pm (EDT). Claims delivered by a local Washington, DC commercial courier must arrive by 4pm (EDT). Overnight delivery services such as Federal Express may not be used for the filing of claims. A claim sent by means of United States Postal Service (Express Mail or otherwise) must carry sufficient postage and bear a July 2010 postmark.

EEO Public File Reports to their 397 Report. Affected SEUs that have been the subject of a prior FCC EEO audit must still file FCC Form 397 by the deadline.

### **FCC Form 323 Biennial Ownership Report Due**

Licensees and permittees (other than sole proprietorships or partnerships composed entirely of natural persons) that operate noncommercial **radio** stations licensed to communities in **Illinois or Wisconsin** or **television** stations licensed to communities in **California, North Carolina, or South Carolina** must electronically file their biennial ownership reports on FCC Form 323-E by this date, unless they have consolidated this filing date with the date for other commonly owned stations licensed to communities in other states. FCC Form 323-E does not require a filing fee.

## **August 14**

### **Copyright Royalty Fee—Monthly Usage Statement of Account Form and Quarterly Report of Use Form Due**

Commercial and noncommercial webcasters and simulcasters must file Monthly Report of Use and Monthly Usage Statement of Account forms on or before the 45<sup>th</sup> day following the end of each month. By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending June 30, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

## **September 14**

### **Copyright Royalty Fee—Monthly Usage Statement of Account Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending July 31, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

## **September 30**

### **EEO 1 Report Due**

This is the deadline by which broadcasters that are subject to the federal Equal Employment Opportunity Commission's (EEOC) reporting requirements must file their EEO 1 Report (Form 100). We encourage you to consult with counsel familiar with this regulatory area and to visit

<http://www.eeoc.gov/stats/jobpat/e1instruct.html>.

### Traditional Deadline for Suspended FCC Form 395-B

This is the traditional date used by the FCC as the deadline for the filing of FCC Form 395-B, the Annual Employment Report. As of the date of this publication, this filing requirement remains suspended.

## October 1

### Annual EEO Public File Report Required

Station employment units (“SEUs”) that have five or more full-time employees and are comprised of **radio and/or television** stations licensed to communities in **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, the Mariana Islands, Missouri, Oregon, Puerto Rico, Saipan, the Virgin Islands, and Washington** must place in their public inspection files (and post on their station website, if there is one) a report regarding station compliance with the EEO Rule during the period October 1, 2009 through September 30, 2010. SEUs may “cut off” the reporting period up to ten (10) days before October 1 so long as they begin the next annual reporting period as of the day right after the cut-off day used in the immediately prior report. The report must contain the following information: (a) a list of all full-time job vacancies filled during the preceding year, identified by job title; (b) recruitment sources used to fill each of those job vacancies (including organizations entitled to notification of job vacancies), including the address, contact person, and telephone number of each recruitment source; (c) a list of the recruitment sources that referred the individuals hired for each full-time job vacancy that was filled; (d) data reflecting the total number of persons interviewed for full-time job vacancies during the preceding year and the total number of interviewees referred by each recruitment source; and (e) a list and brief description of other recruitment outreach efforts from the FCC’s menu of choices that the station employment unit engaged in during the preceding 12 months. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

### FCC Form 397 EEO Mid-Term Report Due

October 1 is also the mid-point in the license renewal term of **television** stations licensed to communities in **Alaska, American Samoa, Guam, Hawaii, the Mariana Islands, Oregon, Saipan, and Washington**. All full-power television station SEUs in those States/Territories, regardless of the number of full-time employees, must electronically file the 397 Report by this date. However, only television SEUs with five or more full-time employees are required to attach copies of the SEU’s two most recent Annual EEO Public File Reports to their 397 Report. Affected SEUs that have been the subject of a prior FCC EEO audit must still file FCC Form 397 by the deadline.

### FCC Form 323 Biennial Ownership Report Due

Licensees and permittees (other than sole proprietorships or partnerships composed entirely of natural persons) that operate noncommercial **radio** stations licensed to communities in **Iowa or Missouri** or non-commercial **television** stations licensed to communities in **Alaska, American Samoa, Florida, Guam, Hawaii, the Mariana Islands, Oregon, Puerto Rico, Saipan, the Virgin Islands, or Washington** must electronically file their biennial ownership reports on FCC Form 323-E by this date, unless they have consolidated this filing date with the date for other commonly owned stations licensed to communities in other states. FCC Form 323-E does not require a filing fee.

## October 10

### Quarterly Issues/Programs List Required

The Quarterly Issues/Programs Lists covering the time period beginning July 1, 2010 and ending September 30, 2010 must be placed in the public inspection files of all **radio**, full-power **television**, and Class A **television** stations by this date.

### Certification of Children's Commercial Time Limitations Required

Commercial full-power and Class A **television** stations must place records in their public inspection files by this date "sufficient to verify compliance" with the FCC's commercial time limitations for children's programming broadcast during the period July 1, 2010, through September 30, 2010. At the present time, the records are not required to be filed with the FCC.

### FCC Form 398 Children's Programming Report Due

Commercial full-power and Class A **television** stations must by this date complete FCC Form 398 demonstrating their responsiveness to "the educational and informational needs of children" for the period from July 1, 2010 to September 30, 2010, and place the completed form in the station's public inspection file. The form must also be electronically filed with the FCC by this date.

### FCC Form 388 DTV Consumer Education Report Due

All full-power television stations that have not yet completed construction and commenced operation of their final post-transition DTV facilities must complete and electronically file by this date an FCC Form 388 demonstrating their compliance with DTV consumer education initiative requirements for the period from July 1, 2010 to September 30, 2010. The form must also be placed in the station's public inspection file and posted to the station's website (if it has one) by this date.

### Class A Television Continuing Eligibility Certification

Class A **television** stations are required to maintain documentation in their public inspection files sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that Class A **television** stations generate such documentation quarterly and place it in their public inspection files by this date.

## October 15

### Copyright Royalty Fee—Monthly Usage Statement of Account Form Due

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending August 31, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

## November 14

### Copyright Royalty Fee—Monthly Usage Statement of Account Form and Quarterly Report of Use Form Due

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending September 30, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

## December 1

### Annual EEO Public File Report Required

Station employment units (SEUs) that have five or more full-time employees and are comprised of **radio and/or television** stations licensed to communities in **Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont** must place in their public inspection files (and post on their station website, if there is one) a report regarding station compliance with the EEO Rule during the period December 1, 2009 through November 30, 2010. SEUs may “cut off” the reporting period up to ten (10) days before December 1 so long as they begin the next annual reporting period as of the day right after the cut-off day used in the immediately prior report. The report must contain the following information: (a) a list of all full-time job vacancies filled during the preceding year, identified by job title; (b) recruitment sources used to fill each of those job vacancies (including organizations entitled to notification of job vacancies), including the address, contact person, and telephone number of each recruitment source; (c) a list of the recruitment sources that referred the individuals hired for each full-time job vacancy that was filled; (d) data reflecting the total number of persons interviewed for full-time job vacancies during the preceding year and the total number of interviewees referred by each recruitment source; and (e) a list and brief description of other recruitment outreach efforts from the FCC’s menu of choices that the station employment unit engaged in during the preceding 12 months. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our most recent EEO Advisory.

### FCC Form 397 EEO Mid-Term Report Due

December 1 is also the mid-point in the license renewal term of **television** stations licensed to communities in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont**. All full-power television station SEUs in those States/Territories, regardless of the number of full-time employees, must electronically file the 397 Report by this date. However, only television SEUs with five or more full-time employees are required to attach copies of the SEU’s two most recent Annual EEO Public File Reports to their 397 Report. Affected SEUs that have been the subject of a prior FCC EEO audit must still file FCC Form 397 by the deadline.

### FCC Form 323 Biennial Ownership Report Due

Licensees and permittees (other than sole proprietorships or partnerships composed entirely of natural persons) that operate noncommercial **radio** stations licensed to communities in **Colorado, Minnesota, Montana, North Dakota, or South Dakota** or noncommercial **television** stations licensed to communities in **Alabama, Connecticut, Georgia, Maine, Massachusetts, New Hampshire, Rhode Island, or**

**Vermont** must electronically file their biennial ownership reports on FCC Form 323-E on this date, unless they have consolidated this filing date with the date for other commonly owned stations licensed to communities in other states. FCC Form 323-E does not require a filing fee.

#### **FCC Form 317 DTV Ancillary/Supplementary Services Report Due**

By this date, FCC Form 317 Annual DTV Ancillary/Supplementary Services Report for Commercial Digital Television Stations must be electronically filed with the FCC by all DTV licensees and permittees whether or not they have received any income from ancillary or supplementary services. If a DTV station provided ancillary or supplementary services during the 12-month time period ending on the preceding September 30, and received compensation for doing so, the station is required to pay five percent of the gross revenue from such services concurrently with the filing of Form 317.

### **December 15**

#### **Copyright Royalty Fee—Monthly Usage Statement of Account Form Due**

By this date, commercial and noncommercial webcasters and those simulcasting radio programming on the Internet must submit the Monthly Report of Use and Monthly Usage Statement of Account forms for the month ending October 31, 2010. The monthly usage report must be filed with SoundExchange **even if** the webcaster or simulcaster has not exceeded its minimum fee liability. If a monthly usage payment is due, SoundExchange will accept payment in the form of a check, a money order, or a bank transfer. A signed copy of the Monthly Usage Statement of Account must accompany the monthly usage payment. Both reports must be submitted to SoundExchange via e-mail, file transfer protocol (FTP), or CD-ROM.

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.

© 2010 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.