

ALERT

FCC Releases Preliminary List of Auction-Eligible Facilities; Asks Stations to Certify Accuracy of Technical Data By July 9, 2015

June 10, 2015

On June 9, 2015, the Federal Communications Commission (FCC or Commission) issued a Public Notice identifying a preliminary list of 2,202 full power and Class A television stations that are eligible to participate in the Incentive Auction and receive protection in the post-auction repack. Specifically, the list includes those stations found to be subject to protection in accordance with the Commission's June 2014 Report and Order.

We say that the list is preliminary for two reasons. First, the Public Notice explains that the list is not intended to pre-judge the outcome of pending petitions for reconsideration of the Report and Order, which could lead to the inclusion of additional stations. Second, any licensee who believes its station was omitted from the list in error may file a "Petition for Eligible Entity Status" by July 9, 2015 explaining why it believes its station is entitled to protection.

As we previously wrote, licensees with stations on the protected list must now complete a separate Pre-Auction Technical Certification Form (FCC Form 2100, Schedule 381) for each of their protected stations on the list. The deadline for submitting the Certification Form is July 9, 2015. The form includes two parts. First, licensees are asked to confirm that the technical information in the FCC's Consolidated Database System (CDBS), Licensing Management System (LMS), and Antenna Registration System (ASR) is accurate for the protected facility. Licensees can indicate that: (i) the authorization and the underlying technical information are accurate and complete; (ii) there is a discrepancy between the authorization and the underlying technical information; or (iii) the facility has been operating at

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variance from the parameters specified. If you believe this last option may apply to your station, we advise that you speak with an attorney immediately. Second, licensees are asked to provide certain detailed information about their technical facilities (e.g., transmitter make, model, and power; details about antenna, transmission line, and antenna support structure). The Commission will use this information to facilitate the post-auction repacking process. The information requested in Schedule 381 is quite extensive, so we strongly recommend that you not delay preparation of the certification form to ensure it is completed timely by July 9, 2015. If a licensee does not submit a Pre-Auction Technical Certification Form by this date, the Commission will assume that the information in its technical databases is accurate.

The FCC's Office of Engineering and Technology will ultimately release a final list of all stations eligible for participation in the auction and protection in the repacking process, along with a detailed summary of the baseline coverage area and population served by each station.

For questions regarding the protected stations list or the Pre-Auction Technical Certification Form, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the following:

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