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ALERT

With the FCC Reopen, Many Broadcast Filings Are Due Immediately

January 28, 2019

Today, Monday, January 28, 2019, marks the first "normal day" of operations for the Federal Communications Commission (FCC) following the partial government shutdown. As of Monday morning, most of the FCC's online systems appear to be functioning normally.[1]

Under the procedures that the FCC announced before the shutdown, broadcasters must file a number of items by tomorrow, Tuesday, **January 29, 2019**. While it is possible that the FCC will issue a subsequent public notice modifying certain deadlines, for now, broadcasters should ensure that the following documents are timely filed over the next two days.

FCC Filings

- **Children's Programming Reports**. Television broadcasters that did not file their 4Q 2018 Children's Programming Reports (form 397) in the FCC's LMS database during the shutdown must file by **January 29, 2019**. Broadcasters could have filed these reports during the shutdown, but were not required to do so.
- **Special Temporary Authority**. Any authorizations for special temporary authority that expired during the government shutdown (other than those related to spectrum auction activities) were automatically extended through January 29, 2019. Broadcasters should file any requests to extend STAs by **January 29, 2019**.

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Practice Areas

Media

Application Fees

- Broadcasters that filed feeable applications in LMS or CDBS during the government shutdown (e.g., applications for assignment or transfer of control, minor modifications, displacement applications, etc.) were unable to pay the fees for those applications online. If you did not mail your payment information to the FCC lockbox, then you will need to make the electronic payment as soon as possible. Note that LMS and CDBS will automatically dismiss applications when fees are not timely paid. If your application was dismissed for non-payment, please contact us immediately.

Online Public File Materials

- **Certificates of Compliance with Commercial Limits in Children's Programming**. Television broadcasters must upload a copy of their commercial limits certifications to the online public file by **January 29, 2019**.
- **Issues/Programs Reports**. All broadcasters must upload a copy of their 4Q 2018 Issues/Programs Report to the online public file by **January 29, 2019**.
- **Class A Certificate of Continuing Eligibility**. Licensees of Class A television stations must upload a copy of their Class A Certificate of Continuing Eligibility to the online public file by **January 29, 2019**.

We understand that some broadcasters may have accessed a demo public file site during the shutdown. If your station(s) uploaded documents to the demo site, they will not transfer over to the online public file, and your station(s) should re-upload the files to the online public file by Tuesday, **January 29, 2019**.

Responsive Pleadings

- If the deadline for a responsive pleading (other than one related to spectrum auction activities) fell during the government shutdown or on Monday, January 28, 2019, the new deadline is tomorrow, **January 29, 2019**.
- If a party filed a pleading with the FCC between January 3, 2019, and January 28, 2019, and that pleading is unrelated to spectrum auction activities, then the FCC will treat the pleading as accepted on **January 29, 2019**, and any further deadlines should be calculated from that date.

Repack-Related Documents

- The deadlines for documents relating to the post-incentive auction transition for full power television, Class A television, low power television, and TV translator stations (including 4Q transition progress reports and requests for STAs for stations transitioning in phase 2) were not extended during the transition. If you did not make a required filing during the government shutdown, please contact us immediately.

For assistance with post-government shutdown filings, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys listed above.

[1] The FCC's Antenna Structure Registration system us still not accepting new applications as of this writing.