



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-1340

Released: August 16 2012

MEDIA BUREAU REMINDS HOTELS, CAMPUS TELEVISION OPERATORS AND OTHER NON-CABLE MVPDs OF THEIR RESPONSIBILITIES TO REPORT THEIR USE OF AND TO PREVENT AND ELIMINATE SIGNAL LEAKAGE ON AERONAUTICAL FREQUENCIES

Providers are reminded that they must file a complete and accurate Aeronautical Frequency Notification for every system that uses the aeronautical frequency bands.

The Media Bureau reminds all non-cable multichannel video programming distributors (non-cable MVPDs) that they, like all cable television systems, must notify the Commission **prior to the use** of any aeronautical frequency bands by their system. Aeronautical frequencies are those within the ranges 108-137 MHz and 225-400 MHz. Notification must be provided electronically on Form 321, using the Commission's COALs database system, which can be found at www.fcc.gov/coals.

All non-cable MVPDs that use Aeronautical Frequencies within their systems must also comply with the same requirements applicable to cable television systems to prevent signal leakage and must promptly correct signal leakage if it occurs.

The rules governing the use of aeronautical frequencies by non-cable MVPDs and cable MVPDs, including notice to the Commission and signal leakage obligations, can be found in Part 76 of the Commission Rules at 47 C.F.R. §§ 76.605(a)(12), 76.610-76.614, 76.617, 76.1706, 76.1803 & 76.1804. Requirements governing operations near aeronautical frequencies, 47 C.F.R §76.616, also apply to non-cable MVPDs.

Because systems that operate in the aeronautical frequency bands have the potential to interfere with aeronautical communications, the collection of accurate information on systems that operate in these bands and the prevention of signal leakage on these systems are critical to protecting and promoting the safety and security of aircraft operations and the lives and property of those affected by these operations.

Non-cable MVPDs are MVPDs that are exempted from the Commission's legal definition of a cable system but that are subject to some of the Commission's cable technical rules. See section 76.5(a) of the Commission's rules, 47 C.F.R. § 76.5(a). Non-cable MVPDs include universities, hotels, apartment complexes and other multiple-unit communities, prisons, office buildings, and other facilities with in-house systems for making multiple channels of video programming available to subscribers or consumers. Non-cable MVPDs also include direct broadcast satellite (DBS) operators and other MVPDs that are not cable television systems and that offer multiple channels of video programming to subscribers or consumers.

Need More Information? See the attached list of frequently asked questions. If you still have questions, contact 1-888-CALL-FCC for more on filing requirements or visit the FCC website at:
<http://www.fcc.gov/encyclopedia/aeronautical-frequency-notification-non-cable-mvpds>
<http://www.fcc.gov/guides/commonly-asked-aeronautical-frequency-notification-afn-questions>

For information on using COALS to file the Form 321, please contact the Engineering Division of the Media Bureau at 202-418-7000 or email COALS_help@fcc.gov .

Frequently Asked Questions About Non-Cable MVPD Aeronautical Frequency Notifications:

What is a “non-cable MVPD”?

An MVPD that does not meet the definition of a cable television system. This usually means that its system does not cross the public right of way in order to deliver video programming. See section 76.5(a) of the Commission’s rules, 47 C.F.R. § 76.5(a) for the definition of “cable television system.”

What are some examples of a non-cable MVPD”?

Universities, hotels, apartment complexes and other multiple-unit communities, prisons, and office buildings with in-house cable systems are examples of non-cable MVPDs. Direct broadcast satellite operators are also non-cable MVPDs.

Who is required to file an Aeronautical Frequency Usage Notification (Form 321)?

Any MVPD (cable or non-cable) operating in the aeronautical frequency bands must file an Aeronautical Frequency Usage Notification (Form 321) prior to activation and use of these frequencies, if the signal on the channel exceeds 10^{-4} watts.

What are the aeronautical frequency bands?

Frequencies within the range of 108–137 and 225–400 MHz.

What cable channels correspond to the aeronautical frequency bands?

Cable channels 14-16, 25-53, 98-99.

Do non-cable MVPDs using the aeronautical frequency bands have to monitor for and repair signal leakage?

Yes, they do, regardless of the number of subscribers or the number of units they serve.

How often do non-cable MVPDs have to file their Basic Signal Leakage Performance Report (Form 320)?

Once every year. A Non-cable MVPDs that serves fewer than 1000 subscribers and fewer than 1000 units must monitor for and repair signal leaks, it does not, however, have to file a Basic Signal Leakage Performance Report with the Commission

What are the penalties that apply?

Failure to comply with the Form 321 filing requirements or failure to monitor for signal leakage and file Form 320 may subject MVPDs to fines up to \$37,500 for each violation or day of a continuing violation.

How can I submit a filing using COALS?

All filers must have an FCC Registration Number (FRN) and an associated password in order to use the COALS system to submit reports or notifications. FRNs can be obtained via <http://www.fcc.gov/cores> or by calling the FRN Help Line at 877-480-3201. Filers can access the COALS system from the FCC’s website using this link: <http://www.fcc.gov/coals>.

What are the fees if any?

The fee for filing an Aeronautical Frequency Usage Notification (Form 321) is \$60. There is no fee for filing a Basic Signal Leakage Performance Report (Form 320).