



Federal Communications Commission
Washington, D.C. 20554

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DA 16-532

Small Entity Compliance Guide

Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations

FCC 15-175
MB Docket No. 03-185

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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OBJECTIVES OF THE PROCEEDING

In the *Third Report and Order* (“*Third R&O*”) and *Fourth Notice of Proposed Rulemaking* (“*Fourth NPRM*”) in MB Docket No. 03-185 (FCC 15-175), the Commission adopted several measures to facilitate the final conversion of low power television (“LPTV”) and TV translator stations (referred to collectively as “LPTV and TV translator stations”) to digital service. The Commission also adopted proposals to mitigate the potential impact of the broadcast television spectrum incentive auction and the repacking process on LPTV and TV translator stations and to help preserve the important services they provide. In the companion *Fourth NPRM*, the Commission sought comment on additional issues relating to channel sharing outside of the auction context. The Commission intends to resolve all of the outstanding issues regarding channel sharing outside the incentive auction context, including those raised in a prior notice, in a forthcoming decision.

COMPLIANCE REQUIREMENTS

1. The *Third R&O* contains the following provisions:
 - The Commission extended the digital television (DTV) transition deadline for analog LPTV and TV translator stations to 12 months after completion of the 39-month Post-Auction Transition Period that will follow the conclusion of the incentive auction (51 months total). Stations may seek an extension of the new transition deadline.
 - The Commission extended the construction deadline of all valid permits for new digital LPTV and TV translator stations to the new DTV transition date for LPTV and TV translator stations.
 - The Commission adopted rules to allow channel sharing, outside the auction context, between LPTV and TV translator stations.
 - The Commission announced that it will use software developed for use in the incentive auction to assist LPTV and TV translator stations displaced by the auction and repacking process to identify new channels.
 - The Commission created a “digital-to-digital replacement translator” service for full power television stations that experience a loss of digital service as a result of being repacked in the incentive auction proceeding.
 - The Commission eliminated, as of August 31, 2017, the requirement in section 15.117(b) of the rules that future TV receivers include analog tuners.
2. The *Fourth NPRM* contains the following proposals:
 - The Commission sought comment on additional issues relating to channel sharing between primary (full power and Class A) and secondary (LPTV and TV translator) stations (“primary-secondary sharing”) as well as between secondary stations (“secondary-secondary sharing”).

- The Commission tentatively concluded to allow channel sharing between primary and secondary stations and proposed rules for primary-secondary sharing that are consistent with those adopted for secondary-secondary sharing in the *Third R&O* and proposed for primary-primary sharing outside of the auction context in the Primary-Primary Channel Sharing NPRM. Second, with respect to both primary-secondary and secondary-secondary sharing, the Commission sought comment on issues pertaining to the term length of channel sharing agreements and issues pertaining to multichannel video programming distributors (MVPD) carriage, reimbursement, and notice.
3. **Compliance Date.** The rules adopted in the *Third R&O* will become effective thirty (30) days after the date of its publication in the *Federal Register* (February 1, 2016) except for sections 74.787 and 74.800 which contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act and will become effective after the Commission publishes a notice in the *Federal Register* announcing such approval and the relevant effective date.

INTERNET LINKS

- Third Report and Order (FCC 15-175)
https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-175A1.docx
- Federal Register summary of Third Report and Order
<https://www.gpo.gov/fdsys/pkg/FR-2016-02-01/pdf/2016-00060.pdf>