



PUBLIC NOTICE

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INCENTIVE AUCTION TASK FORCE AND MEDIA BUREAU ANNOUNCE PROCEDURES FOR THE POST-INCENTIVE AUCTION BROADCAST TRANSITION

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I. INTRODUCTION

1. The Media Bureau, in this Public Notice, addresses the transition of full power and Class A television stations to post-auction channel assignments in the reorganized television bands following the conclusion of the broadcast television spectrum incentive auction (Auction 1000).¹ In order to provide guidance to broadcasters assigned to new channels, we summarize and clarify the process established in the *Incentive Auction R&O* and further developed in subsequent decisions.²

2. This Public Notice provides detailed information, instructions, and projected deadlines for filing applications related to the post-incentive auction broadcast transition. It includes details about the requirement that all stations assigned a new channel as a result of the incentive auction submit an application for construction permit for their post-auction channel, as well as the procedures by which winning reverse auction bidders must relinquish their spectrum usage rights. It also sets forth the process by which eligible television stations can seek reimbursement of certain costs incurred in relocating to new channels and Multichannel Video Programming Distributors (MVPDs) for certain costs incurred in order to continue to carry the signals of relocating television stations. Additionally, this Public Notice includes an Appendix with instructions for filing in the Commission’s Licensing and Management System (LMS) the applications required to effectuate this transition.

3. Specifically, in Section II below, we provide an overview of the auction and the post-

¹ The Commission delegated authority to the Media Bureau to carry out various aspects of the transition. 47 CFR § 73.3700(b)(1)(vi), (b)(2)(iii), (b)(5), (e)(7).

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567 (2014), *aff’d*, *Nat’l Assoc. of Broadcasters, et al v. FCC*, 789 F.3d 165 (D.C. Cir. 2015) (*Incentive Auction R&O*); Second Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 13071 (2014) (*Second Report and Order*); First Order On Reconsideration and Notice of Proposed Rulemaking, 30 FCC Rcd 6668 (2015) (*First Reconsideration*); Second Order on Reconsideration, 30 FCC Rcd 6746 (2015) (*Second Reconsideration*); Second Order on Reconsideration, 30 FCC Rcd 12016 (2015) (*Third Reconsideration*); Third Report and Order and First Order on Reconsideration, 30 FCC Rcd 12049 (2015) (*Third Report and Order*); Order on Reconsideration, 31 FCC Rcd 1367 (2016) (*Fourth Reconsideration*), appeal docketed; Declaratory Order, 31 FCC Rcd 4246 (2016). See also *Broadcast Auction Scheduled to Begin March 29, 2016; Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, Public Notice, 30 FCC Rcd 8975, 8980, para. 4 (2015) (*Auction 1000 Bidding Procedures PN*).

auction transition of full power and Class A television stations, and define terminology used in this Public Notice. In Section III, we first outline the obligations of stations after the results of the auction and the channel reassignments are publicly announced, including the obligation to file construction permit applications for new post-auction channels. Next, for certain stations, we describe the requirements for requesting alternate channels or expanded facilities in two filing windows. Then we describe the procedures for requesting a construction permit deadline extension or special temporary authority (STA) for those stations that may need additional time to complete the transition. Finally, we describe filing and notice obligations at the completion of a station's transition.

4. In Section IV, we describe the forthcoming Public Notice that will address the process for reverse auction winning bidders to submit information necessary for receiving auction proceeds. We then outline the process by which stations that voluntarily relinquish their spectrum usage rights in the reverse auction will relinquish their channels, including notice obligations. Lastly, we set forth the transition procedures for channel sharing stations, again including notice obligations.

5. We note that this Public Notice does not discuss the phased transition schedule for stations assigned to new channels. Rather, the *Transition Scheduling Adoption Public Notice* also being released today addresses issues related to the post-auction transition scheduling plan.³ In Section V, however, we remind stations that, pursuant to the standards adopted in the *Transition Scheduling Adoption Public Notice*, the Media Bureau will evaluate the impact on the transition of applications filed during the first and second priority windows, applications for extension of time, requests for STAs, and requests for waiver of deadlines to discontinue operations on pre-auction channels, in acting on these applications and requests.

6. Finally, in Section VI, we describe the reimbursement process, including the process for eligible entities to submit information necessary to receive reimbursement, as well as the process by which eligible stations may seek a service rule waiver in lieu of reimbursement.

7. We remind stations that they must continue to familiarize themselves with the transition rules and procedures contained in the *Incentive Auction R&O*, this and other public notices and decisions in this proceeding, and any future public notices and/or decisions that may be issued in this proceeding.

II. BACKGROUND AND TERMINOLOGY

8. Auction 1000 is being conducted pursuant to Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).⁴ The incentive auction is composed of a reverse auction (Auction 1001) in which broadcasters offer to voluntarily relinquish some or all of their spectrum usage rights, and a forward auction (Auction 1002) of new, flexible-use licenses suitable for providing mobile broadband services.⁵ Forward auction proceeds will be used to pay broadcasters that relinquish spectrum usage rights in the reverse auction.⁶ The reverse auction incorporates a repacking process to reorganize the broadcast television bands so that the television stations that remain on the air after the transition occupy a smaller portion of the ultra-high frequency (UHF) band, thereby clearing contiguous spectrum that will be repurposed as the 600 MHz Band.⁷ During reverse auction bid processing, the Auction System will identify provisional TV channel assignments that satisfy applicable constraints, ensuring that a feasible channel is available for every station that chose not to participate in the auction or elected to

³ See *Incentive Auction Task Force and Media Bureau Adopt Post-Incentive Auction Transition Scheduling Plan*, Public Notice, DA 17-107 (rel. January 27, 2017) (*Transition Scheduling Adoption Public Notice*).

⁴ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012).

⁵ See *Incentive Auction R&O*, 29 FCC Rcd at 6569, 6572-73, paras. 1, 9-10.

⁶ *Id.*

⁷ *Id.* at 6617-80, paras. 109-257.

drop out of the auction during the bidding.⁸

9. The reverse and forward auctions are integrated in a series of stages. Each stage consists of a reverse auction followed by a forward auction. The results of the reverse auction in the stage in which the final stage rule is satisfied will be used to determine the broadcasters that have been selected to relinquish spectrum usage rights and the amounts of their incentive payments. Following the close of bidding in the forward auction clock phase of the final stage, the forward auction winners of generic license blocks will have the opportunity to bid in the assignment phase for frequency-specific licenses.

10. After bidding concludes in the forward auction assignment phase, the Media and Wireless Telecommunications Bureaus will release the *Auction 1000 Closing and Channel Reassignment Public Notice (Closing and Reassignment Public Notice)*,⁹ which will announce the completion of the incentive auction¹⁰ and provide the results of the reverse auction, the forward auction, and the repacking process, indicating the reassignments of television channels.¹¹ The release of the *Closing and Reassignment Public Notice* will also establish the beginning of the 39-month post-auction transition period (transition period).¹² To provide broadcasters with as much time as possible to prepare in advance of the transition period, after the auction reaches the final stage rule, the Media Bureau will send each eligible station that will remain on the air after the transition period a confidential letter identifying the station's post-auction channel, technical parameters, and assigned transition phase.¹³ The Media Bureau will release a public notice announcing the issuance of the confidential letters at the time they are sent.

11. In the *Transition Scheduling Adoption Public Notice* being released today, the Media Bureau has determined that it will announce a phased transition schedule for eligible stations that are reassigned new channels in the repacking.¹⁴ Each station that will be moving to a new channel will be

⁸ See *Auction 1000 Bidding Procedures PN*, 30 FCC Rcd at 8982, para. 8. See also *Incentive Auction R&O*, 29 FCC Rcd at 6621, para. 119.

⁹ The *Closing and Reassignment Public Notice* is the same public notice referred to as the *Channel Reassignment Public Notice* in prior public notices and orders released in this proceeding. See, e.g., *Incentive Auction R&O*, 29 FCC Rcd at 6782, para. 525; *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding*, Public Notice, 30 FCC Rcd 11034, 11088, para. 167 (WTB 2015); 47 CFR § 73.3700(a)(2). As stated in the *Incentive Auction R&O*, we may release the auction closing public notice and the *Channel Reassignment Public Notice* simultaneously. See *Incentive Auction R&O*, 29 FCC Rcd at 6784, para. 529. Our intention is to combine those into one public notice as described above.

¹⁰ The Commission determined in the *Incentive Auction R&O* that the reverse and forward auctions will be “complete” when a public notice announces that each auction, respectively, has ended. *Incentive Auction R&O*, 29 FCC Rcd at 6783–84, para. 529; 47 CFR § 1.2208.

¹¹ *Incentive Auction R&O*, 29 FCC Rcd at 6782, para. 525.

¹² 47 CFR § 27.4. In order to balance “the need for a post-incentive auction transition timetable that is flexible for broadcasters and that minimizes disruption to viewers” with the need for a schedule that “provide[s] certainty to wireless providers and [is] completed as expeditiously as possible,” and so that it coincides with the statutory three-year reimbursement period, the Commission established a 39-month post-incentive auction transition period. *Incentive Auction R&O*, 29 FCC Rcd at 6796, 6799–80, paras. 559, 568. See also Spectrum Act §§ 6403(b)(4)(D), (d)(4). As discussed in the *Incentive Auction R&O*, this post-auction transition period also affects various other services (LPTV and TV translator stations, fixed Broadcast Auxiliary Stations, Low Power Auxiliary Stations) and unlicensed operations (white space devices and unlicensed wireless microphones) that access the spectrum that is being reorganized following the incentive auction. See *Incentive Auction R&O*, 29 FCC Rcd at 6834–47, paras. 656–688. As we discuss above, this Public Notice focuses only on the transition relating to full power and Class A television stations and MVPDs.

¹³ See *Transition Scheduling Adoption Public Notice* at 4, para. 7.

¹⁴ *Id.* at 5, para. 10.

assigned to a transition phase, and each phase will have a “phase completion date.”¹⁵ The phase completion date will be listed in each station’s construction permit as its construction deadline. Absent a waiver or grant of an STA, the phase completion date will be the last day that a station may operate on its pre-auction channel.¹⁶ The *Closing and Reassignment Public Notice* will announce the stations’ channel assignments, assigned transition phases, and phase completion dates.¹⁷

12. Stations reassigned to new channels in the repacking process will have 90 days¹⁸ from the *Closing and Reassignment Public Notice* release date to file construction permit applications proposing modified facilities to operate on their post-auction channels.¹⁹ They will also have a subsequent opportunity to file an application for a construction permit for an alternate channel or expanded facilities on their new channels.²⁰ By the end of the transition period, all stations reassigned to new channels as a result of a reverse auction winning bid or the repacking process must complete construction of their post-auction channel facilities, notify viewers of their impending channel move, commence operation on their post-auction channel, cease operation on their pre-auction channel, and, within 10 days of commencing operation on their post-auction channel, file a license application.

13. This Public Notice provides broadcasters and other entities involved in the transition with information, instructions, and projected deadlines for filing applications related to the transition based on the following categories to which the broadcaster or entity belongs:

- **Reassigned Station:** A full power or Class A station that was protected during the repacking process and involuntarily assigned to a new channel in one of the reorganized broadcast television bands. This category includes every station involuntarily assigned to a new channel including those that did not apply to bid in Auction 1001, those that applied and did not bid, and those that bid, but exited.
- **Band Changing Station:** A station with a winning bid to move to the low or high very-high frequency (VHF) band.
- **Non-Reassigned Station With Population Loss In Excess of One Percent:** A station that was not reassigned to a new channel but was entitled to protection in the repacking process and is predicted to experience a loss in population served in excess of one percent

¹⁵ *Id.*

¹⁶ *Id.* A station “must cease operating on [its] pre-auction channel once such station begins operating on its post-auction channel or by the deadline specified in its construction permit for its post-auction channel, whichever occurs earlier...” 47 CFR § 73.3700(b)(4)(iii); *see also Incentive Auction R&O*, 29 FCC Rcd at 6797, para. 564. We interpret “begins operating” to mean when the station begins providing a broadcast television service to the public on its post-auction channel, not simply testing equipment on that channel. *See* 47 CFR § 73.1740(a)(2)(iii) (“Visual transmissions of test patterns, slides, or still pictures accompanied by unrelated aural transmissions may not be counted in computing program service.”).

¹⁷ *Transition Scheduling Adoption Public Notice* at 4, para. 7.

¹⁸ We note that some of the post auction transition-related deadlines set forth in the Commission’s rules, such as the deadline for filing an application for a construction permit for post-auction channel facilities, are referred to in months. *See* 47 CFR § 73.3700(b)(1). For the sake of clarity and to provide greater ease of calculation, we will instead refer to such deadlines in days. For example, a “3-month” deadline will be referred to as a “90-day” deadline.

¹⁹ *Incentive Auction R&O*, 29 FCC Rcd at 6796, para. 559; 47 CFR § 73.3700(b)(1)(i). Stations that determine that they are unable to construct facilities that meet the technical parameters specified in the *Closing and Reassignment Public Notice*, or the contour coverage variance permitted by 47 CFR § 73.7300(b)(1)(ii) and (iii), as well as stations otherwise unable to meet the 90-day construction permit filing deadline, may seek waiver of the filing deadline. *See* 47 CFR § 73.7300(b)(1)(ii), (iv)(A); *Incentive Auction R&O*, 29 FCC Rcd at 6791, 6794 n.1571, para. 554.

²⁰ *See* Section III. B.; *see also* 47 CFR § 73.3700(b)(1)(i), (iv), (vi).

because of new station-to-station interference.²¹

- **Displaced Class A Station:** A Class A station that was not protected during the repacking process and is consequently displaced as a result of the repacking.
- **License Relinquishment Station:** A station with a winning bid to go off air that will relinquish its spectrum usage rights and cease broadcasting.
- **Channel Sharing Station:** Includes both a station with a winning bid to go off air that intends to relinquish spectrum usage rights on its current channel in order to share a channel (the sharee), as well as the station with which it will share following the incentive auction (the sharer).
- **MVPDs:** Multichannel Video Programming Distributors that reasonably incur costs in order to continue to carry the signals of stations relocating to new channels as a result of the incentive auction and that are eligible for reimbursement.²²

14. A station that is in any of the first four categories (Reassigned Station, Band Changing Station, Non-Reassigned Station with Excess Population Loss; and Displaced Class A Station) will find relevant information, instructions and projected deadlines for filing applications related to the transition in Section III, below. A station that is in the fifth and/or sixth categories (License Relinquishment Station and Channel Sharing Station) will find similar information provided in Section IV, below. A station that is a Reassigned Station or an entity that is an MVPD will find information related to reimbursement of eligible relocation expenses provided in Section VI, below. In order to implement effectively and efficiently the post-incentive auction transition, it is imperative that all of the entities listed above comply with the various filing requirements detailed in this Public Notice. In some instances, a particular station may belong to more than one category. For example, a station could be a channel sharer station as well as a reassigned station or a band changing station or a non-reassigned station with excess population loss. In such cases, information relevant to all applicable categories should be reviewed.

15. We note that LPTV, TV translator, and digital replacement translator stations were not eligible to participate in the incentive auction, are not protected in the repacking process, are not eligible for reimbursement, and are not included in the phased transition schedule. Some of these facilities will be displaced as a result of the repacking process. Such a displaced station will have the opportunity to file an application for a construction permit to move to another channel or seek to channel share with another LPTV or TV translator station.²³ The Media Bureau will issue a public notice listing potential channels in all areas in which LPTV or TV translator stations are displaced not less than 60 days in advance of the filing window for displacement applications.²⁴ A separate public notice will outline the requirements and approximate timeline for the filing of applications for such displaced stations.

III. REASSIGNED STATIONS, BAND CHANGING STATIONS, NON-REASSIGNED STATIONS WITH EXCESS POPULATION LOSS, AND DISPLACED CLASS A STATIONS

16. Reassigned stations and band changing stations must submit an application for a

²¹ Additional information on the determination of the one percent loss is provided in Section III. B. 2.

²² See 47 U.S.C. § 1452(b)(4)(a). The Spectrum Act defines an MVPD in the same manner as it is defined in section 602 of the Communications Act, 47 U.S.C. § 522. See Spectrum Act § 6001(19) (codified at 47 U.S.C. § 1401). See also Spectrum Act § 6403(b)(4)(A)(i), (ii).

²³ See *Incentive Auction R&O*, 29 FCC Rcd at 6835-36, para. 659; see also *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14946 (2015) (*LPTV DTV Third Report and Order*).

²⁴ See *LPTV DTV Third Report and Order*, 30 FCC Rcd at 14946, para. 41.

construction permit for their post-auction channel facilities within 90 days of the release of the *Closing and Reassignment Public Notice*. In subsection A below, we outline the construction permit application process, including procedures for requesting to expand coverage and to expedite application processing. We also address incomplete applications, amendments, and requests for waiver of the 90-day filing deadline. In subsection B, we provide details on the two filing windows for alternate channels and expanded facilities. As detailed below, specified reassigned and band changing stations, non-reassigned stations with excess population loss, and displaced Class A Stations may file applications for alternative channels and expanded facilities in the first of these two windows. All other reassigned stations may file in the second of these two windows. In subsection C, we address international coordination. In subsection D, we outline ways that stations may seek additional time to complete construction of their post-auction facilities. In subsection E, we describe the steps stations must take once they transition to their post-auction channels.

A. Construction Permit Application Process for Reassigned Stations and Band Changing Stations

17. Except as discussed in subsection B below, all reassigned stations and band changing stations must electronically file applications for construction permits to build their post-auction channel facilities via the Commission's LMS no later than 90 days after the release date of the *Closing and Reassignment Public Notice*.²⁵ The instructions for filing FCC Form 2100 - Schedule A (full power stations) and Schedule E (Class A stations) are included in Appendix A. Applications must propose modified facilities consistent with the technical parameters set forth in the *Closing and Reassignment Public Notice* except as set forth below. These applications, including those that propose permissible contour extensions, as discussed immediately below, will be considered minor change applications²⁶ and exempt from filing fees.²⁷ Although they have up to 90 days to do so, we encourage stations to file their applications as early as possible following the release of the *Closing and Reassignment Public Notice*. The earlier that stations submit their applications, the quicker the Media Bureau will be able to process them and authorize construction.²⁸

1. Flexibility to Expand Contour Coverage in Applications Filed During the Initial 90-Day Window

18. The Commission has provided limited flexibility for reassigned stations and band changing stations to request in their initial construction permit applications transmission facilities that will extend their post-auction coverage contour beyond the technical parameters specified in the *Closing and Reassignment Public Notice*.²⁹

19. *Reassigned Stations.* A reassigned station may propose transmission facilities in its

²⁵ See *Incentive Auction R&O*, 29 FCC Rcd at 6790, para. 546; see also 47 CFR § 73.3700(b)(1)(i).

²⁶ *Incentive Auction R&O*, 29 FCC Rcd at 6789, para. 544. These applications will not be subject to the 30-day notice period set forth in the rules. See *id.* See also 47 CFR §§ 73.3580, 73.3584.

²⁷ See *Incentive Auction R&O*, 29 FCC Rcd at 6790 n.1547. Information on the Commission's media application fees are contained in section 1.1114 of the rules. See 47 CFR § 1.1114. Instructions for requesting exemption from fees are included in Appendix A. See 47 CFR § 1.1116(a).

²⁸ Although they may not begin construction until they receive a grant of their application for construction permit, stations may continue the process of planning for construction of facilities on their post-auction channels. Some preliminary planning activities include, but are not limited to: retaining a technical or zoning specialist, conducting tower structural analysis, planning construction, installing new power lines, selecting equipment, and placing orders. The Commission has found that these types of actions conducted in advance of the grant of a construction permit, do not constitute unauthorized construction. See *Wendell & Associates*, Memorandum Opinion and Order, 14 FCC Rcd 1671, 1679-80, para. 24 (1998).

²⁹ See *Incentive Auction R&O*, 29 FCC Rcd at 6791-92, paras. 547-50. See also 47 CFR § 73.3700(b)(1)(ii)-(iii).

initial construction permit application that will extend its coverage contour if such facilities: (1) are necessary to achieve the coverage contour specified in the *Closing and Reassignment Public Notice* or to address loss of coverage area resulting from its post-auction channel assignment; (2) will not extend a full power station's noise limited contour or a Class A station's protected contour by more than one percent in any direction; and (3) will not cause new interference beyond 0.5 percent to the technical parameters of any other station based on the parameters specified in the *Closing and Reassignment Public Notice*.³⁰

20. *Band Changing Stations.* Band changing stations may specify transmission facilities that would result in a larger coverage contour than that resulting from the technical parameters specified in the *Closing and Reassignment Public Notice*, so long as the proposed facility will not cause new interference beyond a rounding tolerance of 0.5 percent to any other station.³¹ Such stations are not limited to the one percent contour increase restriction applicable to reassigned stations.

2. Applications that Qualify for Expedited Processing

21. In order to expedite the transition, the Commission provided for expedited processing by the Media Bureau of a construction permit application that: (1) does not seek to expand the coverage area, as defined by the technical parameters specified in the *Closing and Reassignment Public Notice*, in any direction; (2) seeks authorization for facilities that are no more than five percent smaller than those specified in the *Closing and Reassignment Public Notice* with respect to predicted population served; and (3) is filed within the 90-day deadline.³² The Media Bureau expects to process applications meeting all three of these requirements within 10 business days of filing.³³

3. Incomplete or Defective Applications

22. A station that files an application during the initial 90-day window that is incomplete or defective will be contacted and afforded an opportunity to submit an amendment via LMS to cure any defects.³⁴ Failure to cure a defect will result in dismissal of the application.³⁵ A station whose application is dismissed must file a new application within 15 calendar days of dismissal and pay the requisite filing fee. A station that files an amendment to cure its pending application or re-files its application will nonetheless be required to meet its assigned construction deadline.

4. Minor Amendments and Modifications

23. A station may submit requests for minor amendments to pending applications or minor modifications to construction permits at any time so long as the proposed facility meets the technical parameters identified in the *Closing and Reassignment Public Notice* or the allowable variance discussed in Section III.A.1 above. Applicants must file amendments to pending applications and applications for minor modifications of construction permits electronically via LMS by following the instructions in Appendix A.

5. Requests for Waiver of Construction Permit Filing Deadline

24. Reassigned stations and band changing stations that determine they are unable to

³⁰ See 47 CFR § 73.3700(b)(1)(ii)(A)-(C). See also *Incentive Auction R&O*, 29 FCC Rcd at 6791, para. 548.

³¹ See *Incentive Auction R&O*, 29 FCC Rcd at 6792, para. 550. Due to antenna pattern variations between bands, it is likely that some band changing stations will not be able to obtain an antenna that replicates the coverage area reflected in the *Closing and Reassignment Public Notice*. *Id.*

³² See 47 CFR § 73.3700(b)(1)(v)(A)-(C). See also *Incentive Auction R&O*, 29 FCC Rcd at 6792, para. 551.

³³ *Incentive Auction R&O*, 29 FCC Rcd at 6792, para. 551. Applications filed during the initial 90-day window that do not qualify as "checklist applications" but are complete and acceptable for filing may take longer for processing.

³⁴ Instructions on filing an amendment to a pending application via LMS are contained in Appendix A. See also 47 CFR § 73.3564(a)(1).

³⁵ See 47 CFR §§ 73.3566, 73.3568.

construct facilities that meet the technical parameters specified in the *Closing and Reassignment Public Notice* within the permissible contour coverage variance discussed in Section III.A.1, as well as stations unable to meet the 90-day filing deadline, may seek a waiver of the deadline.³⁶ For stations unable to construct, requests for waiver of the 90-day filing deadline must be filed no later than 30 days prior to the deadline.³⁷ Stations must submit their waiver requests in the form of a request for a legal STA via LMS, in accordance with the instructions contained in Appendix A. Stations should also send an electronic copy of the request via email to: IATransitionlicensing@fcc.gov. The staff will notify each requesting station of the grant or denial of a waiver. A station whose request is denied must submit its application no later than the 90-day deadline. Failure to do so may result in the imposition of a forfeiture or other sanctions.³⁸

25. We will look most favorably on requests demonstrating that, due to extraordinary technical or legal issues beyond the station's control, it is impossible to construct the facility specified in the *Closing and Reassignment Public Notice*.³⁹ This could occur, for example, if a station is unable to construct a compliant facility on its current tower and a replacement tower cannot be constructed from which the station would be able to meet the specified technical parameters.⁴⁰ A station granted a waiver under this "unable to construct" standard will be allowed to file an application for a construction permit for an alternate channel or expanded facilities during the first priority filing window described below.⁴¹

26. We emphasize that any station that is granted a waiver of the construction permit application deadline nonetheless will be required to meet its construction deadline.⁴²

B. Alternate Channel/Expanded Facilities Filing Windows

27. After the staff substantially completes its processing of the construction permit applications filed during the initial 90-day window, the Media Bureau will issue public notices announcing two, 30-day filing windows for stations to seek alternate channels and/or expanded facilities

³⁶ Stations that anticipate being unable to timely file their initial applications for construction permits for other reasons may seek a waiver at any point prior to the 90-day deadline. Waivers must be filed as a request for legal STA via LMS pursuant to the instructions contained in Appendix A and include a showing pursuant to the "good cause shown" standard in Section 1.3 of the Commission's Rules. See 47 CFR § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. See *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. See *id.* Given the tight transition time frames, we do not anticipate granting a waiver of this deadline to stations, other than those in the "unable to construct" category, absent a showing that the licensee was unable to meet the filing deadline due to rare and exceptional circumstances.

³⁷ *Incentive Auction R&O*, 29 FCC Rcd at 6791, para. 546.

³⁸ As the Commission explained previously, the fact that a station intends to file for an alternate channel or expanded facility does not constitute "good cause" for a waiver of the filing deadline. *Id.* at 6761 n.1551.

³⁹ *Id.* at 6794, para. 554.

⁴⁰ *Id.* at 6794 n.1571.

⁴¹ See Section III. B.; see also *Incentive Auction R&O*, 29 FCC Rcd at 6794, para. 554; 47 CFR § 73.3700(b)(iv)(A). A station in the "unable to construct" category that is granted additional time to file its construction permit application will also be granted additional time to submit a reimbursement form detailing its estimated relocation costs (FCC Form 2100 – Schedule 399). See Section VI. The reimbursement form will be due within 30 days of receiving a construction permit for an alternate channel or expanded facilities. See *Incentive Auction R&O*, 29 FCC Rcd at 6823 n.1754.

⁴² See *Incentive Auction R&O*, 29 FCC Rcd at 6791 n.1551.

from those set forth in the *Closing and Reassignment Public Notice*. These filing windows will run consecutively, with a brief period in between. Filings in the first “priority” filing window will be limited to: (1) reassigned stations and band changing stations “unable to construct” facilities that meet the technical parameters specified in the *Closing and Reassignment Public Notice*; (2) any reassigned station, band changing station, or non-reassigned station entitled to protection in the repacking process that is predicted to experience a loss in population served in excess of one percent as a result of the repacking process; and (3) Class A stations that did not receive protection in the repacking process and were displaced during the repacking process.⁴³ All other reassigned stations and band changing stations will have an opportunity to file in the second window.

1. Expanded Facilities and Alternate Channel Proposal Requirements

28. *Expanded Facilities*. All applications for expanded facilities will be limited to those that would be considered a minor change under the Commission’s rules, i.e., that propose a change in height above average terrain, effective radiated power, antenna pattern, or transmitter location.⁴⁴ Reassigned stations that seek to extend their contours beyond one percent in any direction from the contour defined by the technical parameters specified in the *Closing and Reassignment Public Notice* must file applications for expanded facilities.⁴⁵

29. *Alternate Channels*. An application for an alternate channel will be considered a major change application and thus will be subject to the local public notice requirements of Section 73.3580 of the Commission’s rules⁴⁶ and a 30-day period for the filing of petitions to deny prior to grant.⁴⁷ Band changing stations may not apply for alternate channels outside of their post-auction bands.⁴⁸ Reassigned stations are not similarly limited and may apply for any channel in the reorganized television band.

2. First Priority Window Timing and Eligibility

30. *Timing*. We anticipate opening the first priority window approximately 120 days after the release of the *Closing and Reassignment Public Notice*.⁴⁹ Applicants in the first priority window must protect the construction permit facilities of reassigned stations and band changing stations filed in the initial 90-day window if those stations’ applications have been granted or remain pending. Otherwise, applicants in the first priority window must protect the facilities specified in the *Closing and Reassignment Public Notice*. In addition, all applications filed in the first priority window must protect

⁴³ 47 CFR § 73.3700(b)(1)(iv)(A)-(B).

⁴⁴ See 47 CFR §§ 73.3572(a)(1)-(3), 74.787(b). As minor change applications, they will not be subject to the local public notice requirements or the 30-day notice period for the filing of petitions to deny. 47 CFR §§ 73.3580(a)(1), 73.3584(a).

⁴⁵ *Incentive Auction R&O*, 29 FCC Rcd at 6793 n.1569.

⁴⁶ 47 CFR § 73.3580(a)(1).

⁴⁷ 47 CFR § 73.3584(a); see also *Incentive Auction R&O*, 29 FCC Rcd at 6794, para. 555 (citing 47 CFR §§ 73.3572(a)(1)-(2), 74.787(b)). As determined in the *Incentive Auction R&O*, alternate channel requests filed in these windows will not be subject to the current two-step rulemaking process for new channel allotments. 29 FCC Rcd at 6794 n.1575.

⁴⁸ For example, a UHF station that won its bid to move to a high VHF channel may request only an alternate high VHF channel; a UHF station that won its bid to move to a low VHF channel may request only an alternate low VHF channel; and a high VHF station that won its bid to move to a low VHF channel may propose only an alternate low VHF channel. 47 CFR § 73.3700(b)(2)(i)(A)-(C).

⁴⁹ *Incentive Auction R&O*, 29 FCC Rcd at 6795, para. 556 (stating that the staff will open the window after it substantially completes its processing of initial minor change construction permits).

the facilities specified in applications filed before the April 2013 freeze with “cut-off” protection.⁵⁰ The facilities proposed in applications filed during the first priority window will be entitled to interference protection from subsequently filed applications and amendments thereto.⁵¹

31. *Eligibility - Stations Unable to Construct.* Reassigned stations or band changing stations that receive a waiver of the 90-day filing deadline based on a demonstration that they are “unable to construct” may file for an alternate channel and/or expanded facilities in the first priority window.⁵² Such stations must submit their applications via LMS using either FCC Form 2100 – Schedule A (full power stations) or Schedule E (Class A stations) in accordance with the procedures outlined in Appendix A.⁵³ Because these applications will constitute these stations’ initial applications for construction permits, the applications will not be subject to a filing fee.⁵⁴

32. *Stations with Excess Aggregate Interference and/or Terrain Loss.* A reassigned station or band changing station that demonstrates that it is predicted to experience a loss in population served in excess of one percent as a result of its channel assignment specified in the *Closing and Reassignment Public Notice*, either because of new aggregate station-to-station interference or terrain loss (or a combination of both), may propose expanded facilities or an alternate channel by filing an amendment to the application it filed by the initial 90-day filing deadline or, if the application has been granted, by filing an application to modify its construction permit.⁵⁵ The station’s filing must include an exhibit demonstrating the predicted population loss. Such stations must electronically submit an application for modification of their construction permit via LMS using either FCC Form 2100 – Schedule A (full power stations) or Schedule E (Class A stations), or an amendment to their pending application by following the procedures outlined in Appendix A. These applications will be subject to a filing fee.⁵⁶

33. *Non-Reassigned Stations with Excess Population Loss.* Stations not reassigned to new post-auction channels but that were entitled to protection in the repacking process and are predicted to experience a loss in population served in excess of one percent because of new station-to-station interference may submit a construction permit application proposing expanded facilities or an alternate channel and demonstrating the predicted population loss. Applications must be filed via LMS using FCC Form 2100 – Schedule A (full power stations) or Schedule E (Class A stations).⁵⁷ These applications will

⁵⁰ See *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013) (2013 Freeze PN).

⁵¹ *Incentive Auction R&O*, 29 FCC Rcd at 6794 n.1573 (citing *Commission Lifts Freeze on Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 23 FCC Rcd 8330 (2008)).

⁵² See Section III.B; see also 47 CFR § 73.3700(b)(1)(iv).

⁵³ *Incentive Auction R&O*, 29 FCC Rcd at 6794, para. 555.

⁵⁴ *Id.* at 6794 n.1574.

⁵⁵ See 47 CFR § 73.3700(b)(1)(iv)(B); see also *Second Report and Order*, 29 FCC Rcd at 13079-80, para. 15; *Third Report and Order*, 30 FCC Rcd at 12049, 12087-88, para. 86. Although allowed to file in the first priority window, a reassigned station or a band changing station that is predicted to experience a loss of population served in excess of one percent must have first filed an application during the 90-day construction permit application filing period. Stations would then file a second application (or amendment to the first application if not yet granted) during the first priority window to modify the facilities specified in the first application. Further, reassigned stations must file their cost reimbursement form by the 90-day deadline. In addition, we note that applications for an alternate channel will be considered an application for major change.

⁵⁶ Costs reasonably incurred by reassigned stations filing in the first priority window that are associated with constructing alternate channels or expanded facilities, including any filing fees, will be reimbursable from the Reimbursement Fund. See *Incentive Auction R&O*, 29 FCC Rcd at 6823, para. 625.

(continued....)

be subject to a filing fee. In addition, the costs incurred by non-reassigned stations to construct alternate channels or expanded facilities will not be reimbursable from the Reimbursement Fund.⁵⁸

34. *Displaced Class A Stations.* Any Class A station that was not protected in the repacking process may file a displacement application in the first priority window.⁵⁹ The station must electronically file a displacement application via LMS using FCC Form 2100 – Schedule E, in accordance with the instructions contained in Appendix A.⁶⁰ The application must specify a new channel or other modification that would comply with the interference and technical rules.⁶¹ The proposed facility must also comply with Section 336(f)(7)(B) of the Communications Act, which prevents the Commission from approving a modification of a Class A license, “unless the . . . licensee shows” that its proposal would not cause interference to a LPTV facility or translator facilities authorized or proposed before “the application for . . . modification of such a license . . . was filed.”⁶² We note that costs associated with constructing any Class A displacement facilities will not be eligible for reimbursement from the Reimbursement Fund.⁶³

3. Second Window Timing and Requirements

35. During the second window, any reassigned station or band changing station may file an amendment to its initial construction permit application, if still pending, or a modification to its construction permit, if granted, to seek an alternate channel or expanded facility from that specified in the *Closing and Reassignment Public Notice*.⁶⁴ We anticipate opening this window approximately 14 to 30 days after the close of the first priority filing window. All of the applications and amendments filed during the second window must protect the facilities proposed in the first priority window, and will be entitled to interference protection from subsequently-filed amendments and modification applications filed after the close of the second window.⁶⁵ Applicants in the second window must also protect the construction permit facilities of reassigned stations and band changing stations filed in the initial 90-day window if those stations’ applications have been granted or remain pending. Otherwise, applicants in the second window must protect the facilities specified in the *Channel and Reassignment Public Notice*. In addition, all applications filed in the second window must protect applications that were filed before the April 2013 freeze and have “cut-off” protection.⁶⁶ Applications and amendments filed in the second

(Continued from previous page)

⁵⁷ *Second Report and Order*, 29 FCC Rcd at 13079-80, para. 15.

⁵⁸ See *Incentive Auction R&O*, 29 FCC Rcd at 6813-14, para. 602 (explaining that stations that are not reassigned to a new channel in the repacking process are not entitled to reimbursement under the Spectrum Act).

⁵⁹ See *Fourth Reconsideration*, 31 FCC Rcd at 1382, para. 22.

⁶⁰ There is no filing fee for displacement applications.

⁶¹ *Incentive Auction R&O*, 29 FCC Rcd at 6794 n.1572. See also 47 CFR Part 73, Subpart J; 47 CFR §§ 74.707, 74.792. Class A stations filing displacement applications during the first priority window should also note the types of facilities and applications that must be afforded interference protection as set forth in paragraph 30 *supra*.

⁶² 47 U.S.C. § 336(f)(7)(B).

⁶³ *Second Reconsideration*, 30 FCC Rcd at 6775, para. 63.

⁶⁴ Although certain stations that were not reassigned a new channel in the *Closing and Reassignment Public Notice* may file an application in the first priority window, see *supra* Section III.B., they are not eligible to file an application during the second window.

⁶⁵ *Incentive Auction R&O*, 29 FCC Rcd at 6794 n.1573 (citing *Commission Lifts Freeze on Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 23 FCC Rcd 8330 (2008)).

⁶⁶ See 2013 Freeze PN.

window will be subject to the applicable filing fees.⁶⁷

4. Cut-Off Protection and Mutually Exclusive (MX) Applications

36. Applications filed during either the first priority window or second window will be treated as filed on the last day of that window for purposes of determining mutual exclusivity. Stations filing applications during either window that are determined to be MX with another application filed in the same window will be notified and will be given a 90-day period to resolve the MX by proposing a technical solution or settlement⁶⁸ in an amendment to their pending applications.⁶⁹

5. Incomplete or Defective Applications

37. A station that files an application for a construction permit during either the first priority window or second window that is incomplete or defective will be contacted and afforded an opportunity to submit an amendment via LMS to cure any defects.⁷⁰ Failure to correct any defect will result in dismissal of the application.⁷¹ If either an application filed during the first priority window by: (1) a station that was unable to construct the facilities specified in the *Closing and Reassignment Public Notice* or (2) a displaced Class A station is dismissed then the station must file a new application within 15 days of dismissal and pay the requisite filing fee. All other applications filed in the windows that are dismissed may not be re-filed until the Media Bureau lifts the freeze on the filing of minor change applications.⁷²

C. International Coordination

38. Applications filed by reassigned stations and band changing stations to implement their post-auction channel facilities must adhere to technical parameters included in any coordinated arrangements between the Commission and the Canadian and Mexican regulatory agencies. Applications in the U.S.-Mexico border zone may not require additional coordination if they do not expand the noise-limited contour beyond the range of post-auction technical parameters negotiated with Mexico. Applications in the U.S.-Canada border zone may not require additional coordination if they do not expand the noise-limited contour by more than one percent in any direction beyond that predicted by the technical parameters listed in the *Closing and Reassignment Public Notice*, provided that the proposed facilities would not cause more than 0.5 percent new station-to-station interference to Canadian assignments or allotments. Applications for alternate channels or expanded facilities beyond these limits may require international coordination to assess potential cross-border interference and the potential impact on the construction deadline phases.

⁶⁷ *Id.* Any additional costs incurred in constructing alternate channels or expanded facilities, beyond those the station reasonably would have incurred to construct the facilities assigned in the *Closing and Reassignment Public Notice*, including the filing fees, will not be reimbursable. See *Incentive Auction R&O*, 29 FCC Rcd at 6794, para. 554.

⁶⁸ Any proposed settlement will be subject to the rules and limits on agreements for removing application conflicts. See 47 U.S.C. § 311(c); 47 CFR § 73.3525.

⁶⁹ See 47 CFR § 73.623(h)(3). If a Class A station that files a displacement application in the first priority window is determined to be MXed with another Class A displacement application filed in that window, then the applicants will be given an opportunity to resolve their MX by settlement or engineering solution. Absent such a resolution, the MX will be resolved through competitive bidding. See 47 CFR §§ 73.3572(a)(4)(iii); 74.787(a)(4). See also 47 CFR § 73.5000, *et seq.* In the event, however, that the application of a displaced Class A station is mutually exclusive with the application of a station that was entitled to repacking protection, the application of the station that received protection will prevail. *Fourth Reconsideration*, 31 FCC Rcd at 1382 n.111.

⁷⁰ Instructions on filing an amendment via LMS are contained in Appendix A. See also 47 CFR § 73.3564(a)(1).

⁷¹ See 47 CFR §§ 73.3566, 73.3568.

⁷² See 2013 Freeze PN.

D. Transition Phases and Phase Completion Dates

39. As stated above, in the *Transition Scheduling Adoption Public Notice*, the Media Bureau, in consultation with IA Task Force, WTB, and the Office of Engineering and Technology, has announced its plan to adopt a phased transition schedule for reassigned stations and band changing stations.⁷³ Under the approach, stations will be assigned to one of ten transition phases with sequential testing periods and phase completion dates.⁷⁴ The transition phases and phase completion dates will be announced in the *Closing and Reassignment Public Notice*.⁷⁵ The phase completion date, which will be the station's construction deadline as assigned by the Media Bureau, will be the last day that a station may operate on its pre-auction channel absent the grant of an STA. Any such STA will be granted only in very limited circumstances and will not extend beyond the end of the transition period.⁷⁶ To the extent that the Media Bureau denies a request for a station to continue operating on its pre-auction channel past its construction permit deadline, the Media Bureau noted that stations can explore a variety of options to assist with their post-auction transitions, including the use of temporary channels and interim or auxiliary facilities.⁷⁷

1. Extensions of Time to Construct Post-Auction Channel Facilities and Tolling

40. Reassigned stations and band changing stations that are unable to complete construction of their post-auction channel facilities by their deadlines may seek a *single* extension of up to 180 days.⁷⁸ Stations anticipating the need for an extension must submit an extension application electronically via LMS on FCC Form 2100 – Schedule 337, not less than 90 days before their deadlines.⁷⁹

41. An application for extension of time to construct must include an exhibit demonstrating that, despite all reasonable efforts, the station is unable to complete construction of its new facility on time due to circumstances that were either unforeseeable or beyond its control.⁸⁰ To illustrate, the following circumstances might justify an extension of a station's construction deadline: (1) weather-related delays; (2) delays in construction due to the unavailability of equipment or a tower crew; (3) tower lease disputes; (4) unusual technical challenges; or (5) delays caused by the need to obtain government approvals, such as land use or zoning approvals, or to observe competitive bidding requirements prior to purchasing equipment or services.⁸¹

42. Additionally, in limited circumstances, stations may rely on "financial hardship" as a criterion for seeking an extension of time. Such circumstances may include a situation in which a station is subject to an active bankruptcy or receivership proceeding. In such a case, the station must show that it has filed requests to proceed with construction of the post-auction facility in the relevant court proceeding.⁸² A station requesting an extension of time based on financial hardship that is not in a bankruptcy or receivership proceeding must demonstrate that additional time is warranted due to rare and

⁷³ *Transition Scheduling Adoption Public Notice* at 5, para. 10.

⁷⁴ *Id.* at 21, para. 44.

⁷⁵ *Id.* at 4, para. 7.

⁷⁶ *See Incentive Auction R&O*, 29 FCC Rcd at 6806, para. 584.

⁷⁷ *Transition Scheduling Adoption Public Notice* at 17, para. 37 and n.118.

⁷⁸ *Incentive Auction R&O*, 29 FCC Rcd. at 6804, para. 580 (emphasis added); 47 CFR § 73.3700(b)(5). In adopting this provision, the Commission specifically considered and rejected allowing stations to seek multiple extensions and limited such requests to a single extension. *Incentive Auction R&O*, 29 FCC Rcd at 6805-06, para. 583.

⁷⁹ *See* 47 CFR § 73.3700(b)(5)(iv).

⁸⁰ *Id.*; *Incentive Auction R&O*, 29 FCC Rcd at 6804-05, para. 581.

⁸¹ *Incentive Auction R&O*, 29 FCC Rcd at 6804-05, para. 581.

⁸² *See* 47 CFR § 73.3700(b)(5)(iii); *Incentive Auction R&O*, 29 FCC Rcd at 6805, para. 582.

exceptional financial circumstances that were unforeseeable or beyond its control, and that it made all reasonable efforts to resolve those issues.⁸³

43. We remind stations that additional time to construct beyond the 180-day extended deadline may only be sought pursuant to the Commission's strict "tolling" rule.⁸⁴ The tolling rule provides that a construction permit deadline may be tolled only for specific circumstances not under the licensee's control, such as acts of God or delays due to administrative or judicial review.⁸⁵ Stations must electronically file tolling requests via LMS, in accordance with the instructions in Appendix A. Stations may also seek a waiver of the tolling rule to receive additional time to construct in the case where "rare or exceptional circumstances" prevent construction, following the instructions for requesting tolling in Appendix A.⁸⁶ Stations should send an electronic copy of all tolling requests and tolling waivers via email to: IATransitionlicensing@fcc.gov.

44. In addition, as outlined in Section V, we remind stations that the Media Bureau has also announced that, prior to grant, it will evaluate all extension applications to determine whether grant will delay or disrupt the post-auction transition schedule.

45. Absent the grant of an STA as discussed below, a reassigned station or a band changing station must cease operating on its pre-auction channel by its construction permit deadline even if construction of the station's post-auction channel facility is not complete. Grant of an extension of time to construct a station's post-auction channel facility will not extend the time during which the licensee may operate on its pre-auction channel.⁸⁷

2. Additional Flexibility

46. "[I]n order to facilitate timely construction of new facilities and to minimize any time broadcasters may be off the air," reassigned stations and band changing stations may request an STA to operate with temporary facilities while they complete construction of their post-auction channel

⁸³ *Incentive Auction R&O*, 29 FCC Rcd at 6805, para. 582.

⁸⁴ See 47 CFR § 73.3700(b)(5)(i); *Incentive Auction R&O*, 29 FCC Rcd at 6805-06, para. 583. See also 47 CFR § 73.3598(b). Stations are reminded to follow the reporting procedures set forth in the rule, which require notification to the Commission within 30 days of any pertinent event covered by the tolling rule. See 47 CFR § 73.3598(b). The Media Bureau will consider tolling the construction deadline only where the licensee notifies it that additional time is needed after the conclusion of the initial 180-day extension period. *Id.*

⁸⁵ See 47 CFR § 73.3598(b). We note that the Section 73.3598(b) tolling standard does not provide relief for financial hardship, except that paragraph (b)(2) would toll the construction deadline for a station that could not build because of a pending bankruptcy court action. See *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Third Report and Order and Order on Reconsideration, 24 FCC Rcd 3399, 3429 n.156 (2009).

⁸⁶ See *1998 Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, para. 42 (1999).

⁸⁷ The Media Bureau has adopted a progress report form (FCC Form 2100 –Schedule 387) that broadcast television stations eligible to receive payment of relocation expenses from the Reimbursement Fund are required to file during the 39-month post-incentive auction transition period to identify their progress and status of their construction efforts, and also seeks comment on whether broadcast television stations that must transition to new channels, but are not eligible to receive payment from the Reimbursement Fund, should similarly be required to file progress reports. See *The Incentive Auction Task Force and Media Bureau Release Transition Progress Report Form and Filing Requirements for Stations Eligible for Reimbursement From the TV Broadcast Relocation Fund and Seek Comment on the Filing of the Report by Non-Reimbursable Stations*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, DA 17-34 (rel. Jan. 10, 2017); *Incentive Auction R&O*, 29 FCC Rcd at 6825, para. 634 and n.1768; see also 47 CFR § 73.3700(e)(5) ("Broadcast television station licensees and MVPDs that receive payment from the TV Broadcaster Relocation Fund are required to submit progress reports at a date and frequency to be determined by the Media Bureau").

facilities.⁸⁸ We clarify that all requests for an STA must be filed electronically via LMS and, for commercial stations, will require payment of a filing fee. Instructions for filing via LMS are contained in Appendix A. All STAs for temporary facilities granted in connection with the post-auction transition will be for a maximum of 180 days.⁸⁹ In addition, the Media Bureau reserves the right to modify or cancel an STA at any time, without prior notice, at its sole discretion.⁹⁰

47. To illustrate, examples of potential temporary facilities could include: a station operating on its assigned post-auction channel with parameters at variance from its post-auction construction permit; operating from a temporary antenna; operating on a temporary channel, including for a short period of time on a channel relinquished by a reverse auction winner; and the temporary joint use of a channel.⁹¹ Stations also may request an STA to continue to operate on their pre-auction channels beyond their phase completion deadlines. We will examine all such requests to determine whether they would serve the public interest, and we will require that all temporary authorizations not cause impermissible interference to other broadcast or wireless licensees.⁹² In addition, as outlined in Section V, we remind stations that the Media Bureau has announced that it will evaluate all STA requests to determine whether grant would delay or disrupt the post-auction transition schedule.⁹³ We will not grant an STA that would authorize a station to operate on its pre-auction channel beyond the end of the 39-month transition period.⁹⁴

3. Silent Authority and Section 312(g) of the Communications Act

48. We recognize that, in order to successfully complete the transition to its post-auction channel, a reassigned station or band changing station may need to temporarily suspend operations or “go silent.” We remind stations that the rules provide that a station may suspend operations for a period of not more than 30 days absent specific authority from the Commission.⁹⁵ Stations that remain silent for more than 10 days must notify the Commission not later than the tenth day of their suspended operations by filing a Suspension of Operations Notification via LMS as outlined in Appendix A.⁹⁶ Stations that need to remain silent for more than 30 days must file a Silent STA via LMS as outlined in Appendix A, and pay the requisite fee.

49. We also remind stations that the license of any station that remains silent for any consecutive 12-month period expires automatically at the end of that period, by operation of law, except that the Commission can extend or reinstate such a license “to promote equity and fairness.”⁹⁷ A station that remains silent for any consecutive 12-month period may request an extension or reinstatement of its

⁸⁸ *Incentive Auction R&O*, 29 FCC Rcd at 6806, para. 584.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.* The authorizations also are secondary to all other authorized and licensed users, including secondary services such as the LPTV service. *Id.* at 6676, para. 245.

⁹³ The *Transition Scheduling Adoption Public Notice* provides guidance regarding how the Media Bureau will evaluate requests for STA to operate using temporary, interim, or auxiliary facilities. *See Transition Scheduling Adoption Public Notice* at 22-29, paras. 47-58 and 61-62.

⁹⁴ *Incentive Auction R&O*, 29 FCC Rcd at 6806, para. 584.

⁹⁵ *See* 47 CFR § 73.1740(a)(4).

⁹⁶ *Id.*

⁹⁷ *See* 47 U.S.C. § 312(g). The Commission’s rules also provide that the “license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.” 47 CFR § 73.1020(c). *See also* 47 CFR §§ 73.1615(c)(2), 73.1635(a)(4), 73.1740(c), 73.1750.

license and a waiver of the pertinent Commission rules by filing a written request with the Commission.⁹⁸ In considering such requests, we will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the station's control, including facts that relate to the post-auction transition process.⁹⁹

E. Completion of Transition to Post-Auction Channel

1. Discontinuation of Operations on Pre-Auction Channels

50. *Notice to Viewers.* Reassigned stations and band changing stations must air notifications alerting viewers prior to transitioning to their post-auction channels.¹⁰⁰ At a minimum, these stations must air either 60 seconds of on-air consumer education public service announcements (PSAs) or 60 seconds of crawls per day for 30 days prior to termination of operations on their pre-auction channels.¹⁰¹ Stations will have the discretion to choose the timeslots for these PSAs or crawls.¹⁰² Transition PSAs and crawls must conform to the requirements set forth in the Commission's rules.¹⁰³ Stations must include a certification that they have complied with the viewer notification requirements in their online public file within 30 days after beginning operation on their post-auction channel.¹⁰⁴

51. *Notice to MVPDs.* Before a reassigned station or band changing station moves to its post-auction channel, it must provide notice to MVPDs that currently carry the station and will continue to be obligated to carry the station.¹⁰⁵ The required notice must be provided in the form of a letter notification, and must include the following information: (1) the date and time of any channel change; (2) the pre-auction and post-auction channel assignments; (3) the modification, if any, to the antenna position, location, or power levels; and (4) the engineering staff's contact information.¹⁰⁶ Should any of

⁹⁸ *Incentive Auction R&O*, 29 FCC Rcd at 6806-07, para. 585.

⁹⁹ See *Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd 13975, para. 4 (2015) (explaining that the Commission has reinstated a silent station's expired license "to promote equity and fairness" . . . only in rare circumstances where a station was silent as the result of natural disasters or other compelling reasons beyond the licensee's control"). See also *Incentive Auction R&O*, 29 FCC Rcd at 6806-07, para. 585 ("In considering such requests, we will take into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver.").

¹⁰⁰ As directed by the Commission, the Incentive Auction Task Force is working with the Media, Wireless, and Consumer and Governmental Affairs Bureaus to develop a comprehensive consumer outreach plan to enhance consumer awareness regarding the transition, including the development of web sites for use by stakeholders. See *Incentive Auction R&O*, 29 FCC Rcd at 6809-10, para. 591.

¹⁰¹ See 47 CFR § 73.3700(c)(2). See also *Second Reconsideration*, 30 FCC Rcd at 6819-20, para. 165. A "crawl" is "text that advances very slowly across the bottom or top of the screen." See *In the Matter of Review of the Emergency Alert System*, EB Docket No. 04-296, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 18625, 18657 n.222 (2005). Stations may use alternative forms of crawls, including a text "flipper," which is a message on the screen that flips to a new line of text instead of crawling across the screen. *Incentive Auction R&O*, 29 FCC Rcd at 6808 n.1661. The crawls should not block any closed captioning or emergency information. Cf. 47 CFR § 79.2(b)(3) (prohibiting closed captioning from blocking emergency information, and vice versa). *Incentive Auction R&O*, 29 FCC Rcd at 6808 n.1664.

¹⁰² *Second Reconsideration*, 30 FCC Rcd at 6819-20, para. 165. Broadcasters are free to air additional PSAs that do not meet all of these requirements, as long as the information included is accurate and not misleading. *Incentive Auction R&O*, 29 FCC Rcd at 6808 n.1666.

¹⁰³ See 47 CFR § 73.3700(c).

¹⁰⁴ 47 CFR § 73.3700(c)(6). See also *Incentive Auction R&O*, 29 FCC Rcd at 6809, para. 590.

¹⁰⁵ See 47 CFR § 73.3700(d); *Incentive Auction R&O*, 29 FCC Rcd at 6810-11, paras. 594-96.

¹⁰⁶ *Incentive Auction R&O*, 29 FCC Rcd at 6810-11, paras. 594-96.

this information change during the station's transition, an amended notification must be sent to MVPDs in the same form as the original notice.¹⁰⁷ For cable systems, the letter must be addressed to the system's official address of record provided in the cable system's most recent filing in the Cable Operations and Licensing System ("COALS") Form 322.¹⁰⁸ For all other MVPDs, the letter must be addressed to the official corporate address registered with the MVPD's state of incorporation.¹⁰⁹ The notification must be sent not less than 90 days prior to the station's transition to its post-auction channel.¹¹⁰ Should a station's anticipated transition date change due to an unforeseen delay or change in its transition plan, the station must send further notices to affected MVPDs informing them of the new anticipated transition date.¹¹¹

2. Commencement of Operation on Post-Auction Channel

52. Within 10 days after commencement of program test authority, a licensee must submit an application for license on its post-auction channel.¹¹² Applications for license must be filed electronically via LMS using FCC Form 2100 – Schedule B (full power) and Schedule F (Class A). Commercial stations will be required to pay the requisite filing fee. Instructions for filing via LMS are contained in Appendix A.

IV. LICENSE RELINQUISHMENT STATIONS AND CHANNEL SHARING STATIONS

53. In this section, we address how reverse auction winning bidders will be informed of the process for receiving auction proceeds. For license relinquishment stations that will not become channel sharing stations, we outline the process by which they must relinquish their licenses, including the obligations for discontinuance of operations and for providing related notice. For channel sharing stations, we set forth the procedures that stations must follow for licensing of their shared facilities, including when and how they must file an application for construction permit and how to seek additional time, as well as the obligations for the discontinuance of operations and for providing the associated notice.

A. Payments to Reverse Auction Winning Bidders

54. We will release a separate public notice informing winning bidders of the process for receiving auction proceeds at a later date. That public notice will advise winning bidders about the process for providing instructions to the Commission for payments, including providing banking information and necessary certifications. As previously stated, though providing a precise timetable is not feasible, the Commission will share auction proceeds with broadcast licensees relinquishing spectrum usage rights as soon as practicable following the successful conclusion of the incentive auction.¹¹³ The forthcoming public notice will detail the steps that a winning reverse auction licensee must take before

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* Where COALS includes an email address with the official address of record the letter may be sent electronically.

¹⁰⁹ *Id.* Where the official corporate address registered with the MVPD's state of incorporation includes a form of electronic communication the letter may be sent electronically.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² See 47 CFR § 73.1620(a)(1).

¹¹³ *Incentive Auction R&O*, 29 FCC Rcd at 6784, para. 534 ("In all spectrum license auctions [such as the forward auction], the Commission disburses auction proceeds only after spectrum licenses associated with winning bids have been granted, absent express statutory direction to do otherwise. . . . Furthermore, the Commission has granted spectrum licenses post-auction on a rolling basis, as license applications filed by winning bidders are ready to be granted. Thus, amounts become available for distribution on a rolling basis over time and at intervals tied to the licensing process. Given these facts, a specific deadline for sharing proceeds is not feasible."(footnotes omitted))

auction proceeds can be disbursed once they become available. In particular, the public notice will detail the form that winning reverse auction bidders will use to submit payment information, as well as processes for validating the information prior to the disbursement of any payments.¹¹⁴ As described in a prior public notice, a winning bidder may provide instructions for payments to an account owned by a third-party.¹¹⁵

55. As a step prior to beginning this process, a representative from an entity that expects to receive a payment from the FCC for a winning reverse auction bid must have logged in to the updated Commission Registration System (CORES) (<https://apps.fcc.gov/cores>) and set up a username and password. Detailed instructions on how to register for an FCC Username Account can be found at: https://apps.fcc.gov/cores/html/Register_New_Account.htm.¹¹⁶ For additional information, please contact the Updated CORES System hotline at 202-418-4120 or CoresPilot@fcc.gov.

B. License Relinquishment Transition Process

1. Discontinuation of Operations

56. A license relinquishment station must discontinue operations within 90 days after receiving its share of auction proceeds.¹¹⁷ A station needing additional time to discontinue operations on its pre-auction channel may submit a waiver request demonstrating “good cause” pursuant to Section 1.3 of the Commission’s rules.¹¹⁸ We anticipate that requests for additional time beyond 90 days are unlikely to meet our waiver standard.¹¹⁹ No license relinquishment station will be granted a waiver that would extend its deadline to discontinue operations beyond the end of the 39-month transition period.¹²⁰ In addition, as outlined in Section V, we remind stations that the Media Bureau has announced that, prior to granting a waiver request, it will evaluate all requests to extend the deadline to discontinue operations to determine whether the grant would delay or disrupt the post-auction transition schedule.

57. A station should file such a request as soon as it becomes apparent that it requires additional time to terminate operations on its pre-auction channel. A waiver request must be filed electronically via LMS as a request for a legal STA, include the requisite fee, provide the above-described waiver showing, and include a proposed discontinuation date. A copy of the request should also be e-mailed to IATransitionlicensing@fcc.gov. Instructions for filing via LMS are contained in Appendix A.

2. Suspension and Discontinuance Notices to Commission

58. A license relinquishment station must notify the Commission at least two days prior to

¹¹⁴ See *Incentive Auction R&O*, 29 FCC Rcd at 6787, para. 537 (adopting proposal to require successful bidders in the reverse auction to submit additional information to facilitate incentive payments on standardized incentive payment forms).

¹¹⁵ See *Wireless Telecommunications Bureau Clarifies Procedure For Disbursing Reverse Auction Incentive Payments*, Public Notice, 30 FCC Rcd 13613 (2015). As stated in that public notice, an incentive payment for each winning bid will be made to only a single payee and into a single account. *Id.*

¹¹⁶ See also *The Incentive Auction Task Force Announces an Online Tutorial for Full Power and Class A Broadcasters and Multichannel Video Programming Providers On Preparing To Receive Post-Auction Payments*, Public Notice, DA 16-1410 (rel. Dec. 19, 2016).

¹¹⁷ 47 CFR § 73.3700(b)(4)(i). The Department of the Treasury (U.S. Treasury) will disburse incentive payments subject to all applicable laws and procedures and in accordance with the payment instructions provided by a relinquishing licensee to the Commission. See *Wireless Telecommunications Bureau Clarifies Procedure For Disbursing Reverse Auction Incentive Payments*, Public Notice, 30 FCC Rcd 13613 (2015).

¹¹⁸ *Incentive Auction R&O*, 29 FCC Rcd at 6803, para. 578.

¹¹⁹ *Id.* and n.1627.

¹²⁰ *Id.*

discontinuation of operations on its pre-auction channel.¹²¹ Instructions for filing a Suspension of Operations Notification via LMS are contained in Appendix A. As soon as possible following the discontinuation of operations on its pre-auction channel, a license relinquishment station must also submit a Request to Cancel License via LMS, as outlined in Appendix A, which will serve as the station's request for cancellation of its pre-auction channel license. Both notifications should be e-mailed to: IATransitionlicensing@fcc.gov. There is no fee for these two filings.

3. Notice to Viewers

59. Prior to termination of operations, relinquishment stations must air notifications to alert their viewers that they will discontinue service.¹²² Stations that operate on a commercial basis will be required to air a mix of PSAs and crawls.¹²³ Such stations must air at least one transition PSA and run at least one transition crawl in every quarter of every day for 30 days prior to the date on which the station terminates operations on its pre-auction channel.¹²⁴ One of the required PSAs and one of the required crawls must be run during primetime hours each day.¹²⁵ Crawls must run during programming for no less than 60 consecutive seconds across the bottom or top of the viewing area and be provided in the same language as a majority of the programming carried by the station.¹²⁶ Although stations have the flexibility to design the text of their crawls, they must include the date on which the station will terminate operations on its pre-auction channel, and explain how viewers may obtain more information by telephone or online.¹²⁷ PSAs must have a duration of at least 15 seconds, be provided in the same language as a majority of the programs carried by the station and provide, at a minimum, the same information as required for crawls.¹²⁸ In addition, transition PSAs must be closed-captioned.¹²⁹ Stations are encouraged to include any other details about their discontinuation of operations that they believe to be important in their notifications, and stations may air additional notifications that they deem beneficial to their

¹²¹ See 47 CFR § 73.3700(b)(4)(i) (license relinquishment station) and (ii) (channel sharee station) (directing license relinquishment and channel sharee stations to follow the license cancellation procedures in 47 CFR § 73.1750). We clarify, because requests to cancel license are now made electronically, stations are not required to mail or otherwise send their paper license to the Commission.

¹²² See 47 CFR § 73.3700(c)(1).

¹²³ *Incentive Auction R&O*, 29 FCC Rcd at 6808, para. 588.

¹²⁴ See 47 CFR § 73.3700(c)(1); *Incentive Auction R&O*, 29 FCC Rcd 6808, para. 588. See also *supra* n. 100 (defining a “crawl” and a text “flipper”).

¹²⁵ See 47 CFR § 73.3700(c)(1); *Incentive Auction R&O*, 29 FCC Rcd at 6808, para. 588. For the purposes of these requirements, each broadcast day can be broken into four quarters: 6:01 am to 12:00 pm, 12:01 pm to 6:00 pm, 6:01 pm to 12:00 am, and 12:01 am to 6:00 am, and “primetime” is defined as the hours between 8:00 pm and 11:00 pm in the Eastern and Pacific time zones, and between 7:00 pm and 10:00 pm in the Mountain and Central time zones. See 47 C.F.R. § 73.3700(c)(1); *Incentive Auction R&O*, 29 FCC Rcd at 6808 n.1662 and 1663.

¹²⁶ See 47 CFR § 73.3700(c)(4)(i).

¹²⁷ 47 CFR § 73.3700(c)(4)(ii); *Incentive Auction R&O*, 29 FCC Rcd at 6808, para. 588. The crawls should not block any closed captioning or emergency information. Cf. 47 CFR § 79.2(b)(3) (prohibiting closed captioning from blocking emergency information, and vice versa). *Incentive Auction R&O*, 29 FCC Rcd at 6808 n.1664.

¹²⁸ 47 CFR § 73.3700(c)(5)(i)-(ii).

¹²⁹ 47 CFR § 73.3700(c)(5)(ii); *Incentive Auction R&O*, 29 FCC Rcd at 6808, para. 588. Broadcasters are free to air additional PSAs that do not meet all of these requirements, as long as the information included is accurate and not misleading. *Incentive Auction R&O*, 29 FCC Rcd at 6808 n.1666. If a relinquishment station knows that its current programming will continue to be carried by another station in the market after it terminates operations (such as on a commonly-owned station), we encourage the relinquishment station to identify that station in its viewer notifications.

viewers.¹³⁰

60. Noncommercial educational (NCE) full power television license relinquishment stations may choose to comply with notification requirements either through the framework set forth in the preceding paragraph or by airing 60 seconds of on-air consumer education PSAs each day for 30 days prior to termination of operations on their pre-auction channel.¹³¹ NCE stations choosing the alternate plan will have the discretion to choose the timeslots for these PSAs.¹³² The NCE transition PSAs must include the same information as noted above for commercial stations and must be closed-captioned.¹³³

61. A license relinquishment station must include a certification of compliance with the notice requirements in its Suspension of Operations Notification outlined in Section IV.B.2.¹³⁴

4. Notice to MVPDs

62. A license relinquishment station must provide notice to each affected MVPD that the MVPD will no longer be required to carry the station because it will cease operations.¹³⁵ The required notice must be provided in the form of a letter and must include the date and time of the planned termination of operations.¹³⁶ For cable systems, the letter must be addressed to the system's official address of record provided in the cable system's most recent filing in the COALS Form 322.¹³⁷ For all other MVPDs, the letter must be addressed to the official corporate address registered with the MVPD's state of incorporation.¹³⁸ The notification must be sent not less than 30 days prior to terminating operations.¹³⁹ Should a station's anticipated termination date change due to an unforeseen delay or change in transition plan, the station must send a further notice to affected MVPDs informing them of the new anticipated termination date.¹⁴⁰

C. Channel Sharing Station Transition Process

63. A channel sharing station¹⁴¹ must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel within 180 days after the sharee receives its share of auction proceeds.¹⁴²

¹³⁰ *Incentive Auction R&O*, 29 FCC Rcd at 6808-09, para. 588.

¹³¹ See 47 CFR § 73.3700(c)(2); *Incentive Auction R&O*, 29 FCC Rcd at 6809, para. 589.

¹³² *Incentive Auction R&O*, 29 FCC Rcd at 6809, para. 589.

¹³³ *Id.*

¹³⁴ 47 CFR § 73.3700(c)(6); see also *Incentive Auction R&O*, 29 FCC Rcd at 6809, para. 590.

¹³⁵ See 47 CFR § 73.3700(d)(1)(i)-(iii); *Incentive Auction R&O*, 29 FCC Rcd at 6810, para. 594.

¹³⁶ See 47 CFR § 73.3700(d)(2); *Incentive Auction R&O*, 29 FCC Rcd at 6811, para. 595.

¹³⁷ See 47 CFR § 73.3700(d)(4); *Incentive Auction R&O*, 29 FCC Rcd at 6811, para. 595. Where COALS includes an email address with the official address of record the letter may be sent electronically.

¹³⁸ *Id.* Where the official corporate address registered with the MVPD's state of incorporation includes a form of electronic communication the letter may be sent electronically.

¹³⁹ See 47 CFR § 73.3700(d)(5)(i).

¹⁴⁰ See 47 CFR § 73.3700(d)(5)(v); *Incentive Auction R&O*, 29 FCC Rcd at 6811, para. 596.

¹⁴¹ We clarify that, absent any contrary information from the station, any station that indicated it had a pre-auction CSA and/or an intent to channel share on its reverse auction FCC Form 177 will be considered a channel sharee station until the station fails to meet or obtain a waiver of a deadline applicable to it as a channel sharee.

¹⁴² 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii). See also *Third Reconsideration*, 30 FCC Rcd at 12020, para. 11. The Department of the Treasury (U.S. Treasury) will disburse incentive payments subject to all applicable laws and procedures and in accordance with the payment instructions provided by a relinquishing licensee to the Commission.

(continued....)

1. Application for Construction Permit

64. Where a sharer station remains on its pre-auction channel, the sharee must file an application for construction permit via LMS using FCC Form 2100 Schedule A (full power) or Schedule E (Class A) no later than 60 days prior to its deadline for discontinuing operations on its pre-auction channel, which, absent any extension, is no later than 120 days after the sharee receives its share of auction proceeds.¹⁴³ The applicant must pay the requisite filing fee. The application must specify the same technical facilities as the sharer station and include an executed copy of the Channel Sharing Agreement (CSA).¹⁴⁴ Instructions for completing this form can be found in Appendix A. The timing of this filing requirement is the same regardless of whether the parties have a pre- or post-auction CSA.¹⁴⁵ Therefore, a sharee that indicated in its FCC Form 177 application to participate in the reverse auction the intent to enter into a post-auction CSA must enter into a CSA and submit its minor change application no later than 120 days after it receives its share of the auction proceeds.

65. In the event that the sharer station is a reassigned station or band changing station, then it must follow the procedures outlined in Section III - Reassigned Stations and Band Changing Stations to implement the move to its new channel, including submitting an application for construction permit specifying its post-auction channel facilities no later than the initial 90-day filing deadline for initial construction permit applications.¹⁴⁶ If the sharer has, or is expected to, transition to its new channel by the deadline on which the sharee must submit its application for construction permit (i.e., no later than 120 days after it receives its share of the auction proceeds), then the sharee's application should specify the sharer's post-auction channel facility. In the event that the sharee's deadline by which it must discontinue operations on its pre-auction channel (i.e., no later than 180 days after it receives its share of the auction proceeds), is expected to occur before the sharer has transitioned to its new channel, however, the sharee should file an application for a construction permit specifying the sharer's pre-transition channel. Not less than 60 days prior to the sharer's phase construction deadline, the sharee must then file a minor change application for a construction permit for the sharer's post-auction channel. Sharee applications for construction permits will be considered minor changes and will be subject to filing fees.

66. If a sharee needs additional time to submit its application for a construction permit, then it may request a waiver of the construction permit filing deadline. Waivers must be filed as a request for legal STA via LMS following the instructions provided in Appendix A and include payment of the requisite filing fee. Such waivers must provide a "good cause" showing pursuant to section 1.3 of the Commission's rules and, specify the date by which the sharee anticipates filing its construction permit application. Stations should also e-mail a copy of their waiver request to: IATransitionlicensing@fcc.gov. In order to provide the staff with sufficient time to process the waiver request, and for stations to make arrangements to meet the deadline if the waiver is denied, stations are urged to file no later than 30 days prior to the deadline for filing their application for a construction permit, which, absent an extension, is no later than 120 days after it receives its share of auction proceeds.¹⁴⁷

(Continued from previous page) —————
See Wireless Telecommunications Bureau Clarifies Procedure For Disbursing Reverse Auction Incentive Payments, Public Notice, 30 FCC Rcd 13613 (2015).

¹⁴³ 47 CFR § 73.3700(b)(1)(vii).

¹⁴⁴ *Id.* See also *First Reconsideration*, 30 FCC Rcd at 6678-9, para. 28.

¹⁴⁵ 47 CFR § 73.3700(b)(1)(vii).

¹⁴⁶ 47 CFR § 73.3700(b)(1).

¹⁴⁷ Under these circumstances, the sharee also may need to request a waiver of the deadline to discontinue operations on its pre-auction channel and commence shared operations. Such a waiver is discussed in Section IV.C.4.

2. Suspension of Operations Notice to Commission

67. Sharees must notify the Commission at least two days prior to discontinuation of operations on their pre-auction channels¹⁴⁸ by filing a Suspension of Operations Notification via LMS as outlined Appendix A. There is no fee for this filing. This notification also should be emailed to IATransitionlicensing@fcc.gov.

3. Commencement of Operation on Shared Channel

68. When implementation is complete and within 10 days of commencement of operation of the shared facilities on program test authority, both sharer and sharee must submit applications for license on FCC Form 2100 – Schedule B (full power stations) and Schedule F (Class A stations) via LMS following the instructions in Appendix A.¹⁴⁹ This process may need to be completed twice if the sharer becomes a reassigned station and the sharee decides to share the sharer’s pre-auction channel while it is waiting for the sharer to complete its transition to its post-auction channel, i.e., once for the sharer’s pre-auction channel and once for the shared post-auction channel.¹⁵⁰

4. Waiver of Deadline to Commence Shared Operations

69. A channel sharee may request an additional 90 days to discontinue operations on its pre-auction channel and commence shared operations by requesting a waiver pursuant to section 1.3 of the Commission’s rules.¹⁵¹ Further, channel sharees may request an additional 90 days (for a total of 180 additional days) using the same procedure.¹⁵² As outlined more fully in Section V, prior to grant, we will evaluate all requests for waiver of the deadline to commence shared operations to determine whether grant will delay or disrupt the post-auction transition schedule. In any event, no channel sharee will be granted a waiver that would extend its deadline to discontinue operations on its pre-auction channel beyond the end of the 39-month transition period.¹⁵³

70. A station should file such a request for additional time as soon as it becomes apparent that it requires additional time prior to discontinuing operations, and in no event later than 60 days prior to its deadline for discontinuing operations. Such requests must be filed electronically via LMS as a request for a legal STA, include the requisite fee, provide the “good cause” waiver showing, and include a proposed discontinuation date not to exceed 90 days beyond the current date to discontinue operations. Instructions for filing via LMS are contained in Appendix A. A copy of the request should also be e-mailed to: IATransitionlicensing@fcc.gov.

5. Notice to Viewers

71. Channel sharees must air notifications alerting their viewers prior to transitioning to their shared channels. These stations must air, at a minimum, either 60 seconds of on-air consumer education PSAs or 60 seconds of crawls per day for 30 days prior to termination of operations on their pre-auction

¹⁴⁸ 47 CFR § 73.3700(b)(4)(i) (license relinquishment station) and (ii) (channel sharee station) (directing license relinquishment and channel sharee stations to follow the license cancellation procedures in 47 CFR § 73.1750). We clarify, because requests to cancel license are now made electronically, stations are not required to mail or otherwise send their paper license to the Commission.

¹⁴⁹ See 47 CFR § 73.1620(a)(1).

¹⁵⁰ See *supra* para. 65.

¹⁵¹ See *Incentive Auction R&O*, 29 FCC Rcd at 6803, para. 578; *Third Reconsideration*, 30 FCC Rcd at 12020, para. 11. See also 47 CFR § 1.3.

¹⁵² *Third Reconsideration*, 30 FCC Rcd at 12020, para. 11.

¹⁵³ *Incentive Auction R&O*, 29 FCC Rcd at 6803 n.1627.

channels.¹⁵⁴ Stations will have the discretion to choose the timeslots for these PSAs or crawls.¹⁵⁵ Transition PSAs and crawls must conform to the requirements set forth in the rules.¹⁵⁶ Stations must include a certification that they have complied with the viewer notification requirements in their online public file within 30 days after beginning operations on their shared channel.¹⁵⁷ Sharer stations are only required to air viewer notifications if they become a reassigned station as a result of the repacking.¹⁵⁸

6. Notice to MVPDs

72. Channel sharing stations must also provide notice to MVPDs that no longer will be required to carry one of the stations because of the sharee's relocation; currently carry and will continue to be obligated to carry the sharee; or will become obligated to carry the sharee.¹⁵⁹ The required notice must be provided in the form of a letter and must include: (i) date and time of any channel changes; (ii) pre-auction and shared channels; (iii) modification (if any) to antenna position, location or power levels; (iv) stream identification information for channel sharing stations; and (v) engineering staff contact information.¹⁶⁰ If any of this information changes during the time that the sharee station is transitioning from its pre-auction to its shared channel, an amended notification must be sent to MVPDs in the same form as the original notice.¹⁶¹ For cable systems, the letter must be addressed to the cable system's official address of record provided in the cable system's most recent filing in the COALS Form 322.¹⁶² For all other MVPDs, the letter must be addressed to the official corporate address registered with the MVPD's state of incorporation.¹⁶³ For sharee stations, the notification must be sent not less than 30 days prior to terminating operations on the sharee's pre-auction channel; and for all channel sharing stations (*i.e.*, both the sharer and sharee(s)), not less than 30 days prior to initiation of operations on the sharer channel.¹⁶⁴ Should a station's anticipated termination date change due to an unforeseen delay or change in transition plan, the station must send a further notice to affected MVPDs informing them of the new anticipated termination date.¹⁶⁵

V. IMPACT ON TRANSITION

73. In the *Transition Scheduling Adoption Public Notice* released today, the Media Bureau adopted standards it will use to evaluate the impact on the transition of applications filed during the first and second priority windows, applications for extension of time, requests for STAs, and requests for waivers of deadlines to discontinuation operations on pre-auction channels ("applications/requests").

¹⁵⁴ 47 CFR § 73.3700(c)(2); *Second Reconsideration*, 30 FCC Rcd at 6819-20, para. 165. See also *supra* n.100 (defining a "crawl" and a text "flipper").

¹⁵⁵ *Second Reconsideration*, 30 FCC Rcd at 6819-20, para. 165. Broadcasters are free to air additional PSAs that do not meet all of these requirements, as long as the information included is accurate and not misleading. *Incentive Auction R&O*, 29 FCC Rcd at 6808 n.1666.

¹⁵⁶ See 47 CFR § 73.3700(c).

¹⁵⁷ 47 CFR § 73.3700(c)(6). See also *Incentive Auction R&O*, 29 FCC Rcd at 6809, para. 590.

¹⁵⁸ See *Incentive Auction R&O*, 29 FCC Rcd at 6807 n.1656.

¹⁵⁹ See 47 CFR § 73.3700(d)(1)(i)-(iii); *Incentive Auction R&O*, 29 FCC Rcd at 6810, para. 594.

¹⁶⁰ See 47 CFR § 73.3700(d)(2); *Incentive Auction R&O*, 29 FCC Rcd at 6811, para. 595.

¹⁶¹ See 47 CFR § 73.3700(d)(3).

¹⁶² See 47 CFR § 73.3700(d)(4); *Incentive Auction R&O*, 29 FCC Rcd at 6811, para. 595. Where COALS includes an email address with the official address of record the letter may be sent electronically.

¹⁶³ *Id.* Where the official corporate address registered with the MVPD's state of incorporation includes a form of electronic communication the letter may be sent electronically.

¹⁶⁴ See 47 CFR § 73.3700(d)(5)(i)-(iii); *Incentive Auction R&O*, 29 FCC Rcd at 6811, para. 596.

¹⁶⁵ See 47 CFR § 73.3700(d)(5)(v); *Incentive Auction R&O*, 29 FCC Rcd at 6811, para. 596.

Under these standards, the Bureau will examine the impact that grant of an application/request would have on the overall transition schedule by, for example, evaluating whether the application/request may create new, or affect existing, dependencies.¹⁶⁶ The Media Bureau will view favorably applications/requests that are otherwise compliant with our rules and have little or no impact on other stations' transition schedule.¹⁶⁷ In contrast, the Media Bureau will view unfavorably any application/request that the staff determines would be likely to delay or disrupt the transition, such as by causing temporary pairwise interference to another station above the two percent authorized in the *Transition Scheduling Adoption Public Notice*, creating additional linked-station sets, necessitating changes to the construction permit deadlines for other station(s), or likely causing a strain on limited transition resources required by other stations.¹⁶⁸ The Media Bureau will also view applications/requests that would have such adverse effects more favorably if the requesting station demonstrates that it has the approval of all the stations that would be affected, or it agrees to take steps during the transition period to mitigate the impact of the proposed request—such as accepting additional levels of temporarily increased interference, or operating with reduced facilities at variance from its pre-auction licensed parameters.

74. The Media Bureau will evaluate each request on a case-by-case basis. After evaluating applications/requests, the Media Bureau may modify construction deadlines to enable the grant of a request.¹⁶⁹ To the extent that the Media Bureau denies a request for a station to continue operating on its pre-auction channel past its phase completion date, the Media Bureau noted that stations can explore a variety of options to assist with their post-auction transitions, including the use of temporary channels and interim or auxiliary facilities.¹⁷⁰

VI. REIMBURSEMENT

A. Background

75. In this section, we outline the post-auction reimbursement process for reassigned stations as well as the process by which stations may seek a service rule waiver in lieu of reimbursement. As outlined more fully below, involuntarily reassigned stations as well as MVPDs that incur costs by continuing to carry such reassigned stations are eligible for reimbursement of their “reasonably incurred”

¹⁶⁶ *Transition Scheduling Adoption Public Notice* at 22-24, paras. 47-52.

¹⁶⁷ *Id.* at 22-23, para. 49 and n.153. If an application for an alternate channel or expanded facility is granted, the initial deadline listed in the construction permit for the alternate channel or expanded facility will be the same as the deadline in the station's initial construction permit. See *Incentive Auction R&O*, 29 FCC Rcd at 6793-94 n.1570. Thus, any station requesting an expanded facility or alternate channel will be required to abide by the construction deadline and other transition schedule requirements applicable to the phase to which the station is assigned unless otherwise modified by the Media Bureau.

¹⁶⁸ *Transition Scheduling Adoption Public Notice* at 23, n.153. This presumption is not meant to discourage stations from proposing transition solutions that would reduce reimbursement costs or implement a market-wide transition plan that broadcasters may independently develop. *Id.* at 23, para. 50. Nonetheless, such proposals should be created with the transition schedule in mind, and disclose either how implementation of the proposal may interfere with the transition schedule or demonstrate that implementation would not interfere with other stations' transition efforts. *Id.*

¹⁶⁹ *Id.* at 23-24, para. 50. In the *Incentive Auction R&O*, the Commission stated that it would consider “granting longer construction periods for alternate channels or expanded facilities in situations where extenuating circumstances justify such an extension.” See *Incentive Auction R&O*, 29 FCC Rcd at 6794 n.1570. If the Media Bureau determines that granting a particular request would not cause adverse effects on the transition schedule, or that granting a request would be beneficial to the transition plan, the Media Bureau may adjust the phase assignment of the requesting station, or if necessary, other stations as well. *Transition Scheduling Adoption Public Notice* at 21-22, para. 45. In making these adjustments, however, the Media Bureau will not assign a station to an earlier transition phase than its original one without its consent. *Id.* at 21-22, para. 45.

¹⁷⁰ *Transition Scheduling Adoption Public Notice* at 17, para. 37 and n.118.

costs.¹⁷¹ Entities eligible for reimbursement will use FCC Form 2100, Schedule 399 (Reimbursement Form), to submit both their estimated costs and, after incurring the costs, actual reimbursement requests with documentation substantiating all such expenses incurred. In lieu of receiving reimbursement, reassigned stations may request a waiver of the Commission's service rules permitting the station to make flexible use of the post-auction channel spectrum to provide services other than broadcast television services.¹⁷²

B. Reimbursement Cost Estimates

76. Reassigned stations and MVPDs that will incur costs by continuing to carry reassigned stations must file their estimated construction costs for equipment and services no later than 90 days after release of the *Closing and Reassignment Public Notice*.¹⁷³ After reviewing the cost estimates submitted, the Media Bureau will make an initial reimbursement allocation for each reassigned station and MVPD that filed cost estimates.¹⁷⁴ The allocated amount is the dollar amount that stations and MVPDs will have to draw down against as they incur actual expenses.¹⁷⁵ To ensure timely processing, stations must file their cost estimates by the deadline.

77. Relocation cost estimates and any required supporting documentation must be filed via LMS using the Reimbursement Form.¹⁷⁶ Instructions for filing the Reimbursement Form via LMS are contained in Appendix A. There is no fee for this filing. When filing estimated costs, reassigned stations and MVPDs must identify their current operational equipment as well as the equipment and services they expect to purchase to complete the post-auction channel transition.¹⁷⁷ Cost estimates for such equipment and services can be based either on the predetermined cost estimates identified in the catalog of eligible expenses (Catalog),¹⁷⁸ which is embedded in the Reimbursement Form, or by obtaining price quotes from vendors. Filers must submit supporting cost estimate documentation (such as a price quote from a vendor) for any equipment or service for which there is no predetermined cost estimate in the Catalog, and must provide a detailed explanation if an estimate exceeds the amount listed for the particular equipment or service in the Catalog.¹⁷⁹ The Reimbursement Form is dynamic; and guides users with prompts that indicate how and when filers must provide explanations and supporting documentation.

78. Relocation cost estimates must be filed no earlier than the day of release of, and no later

¹⁷¹ See 47 CFR 73.3700(e); *Incentive Auction R&O*, 29 FCC Rcd at 6812-25, paras. 598-630.

¹⁷² See 47 CFR § 73.3700(f); *Incentive Auction R&O*, 29 FCC Rcd at 6827-30, para. 637-644; 47 U.S.C. § 1452(b)(4)(B).

¹⁷³ We note that band changing stations and displaced Class A stations are not eligible for reimbursement. See *Incentive Auction R&O*, 29 FCC Rcd at 6813, para. 601; *Second Reconsideration*, 30 FCC Rcd at 6775, para. 63.

¹⁷⁴ See *Incentive Auction R&O*, 29 FCC Rcd at 6818, para. 614.

¹⁷⁵ *Id.*

¹⁷⁶ See *Media Bureau Finalizes Reimbursement Form For Submission To OMB and Adopts Catalog of Expenses*, Public Notice, 30 FCC Rcd 11701(MB 2015).

¹⁷⁷ See *Incentive Auction R&O*, 29 FCC Rcd at 6817-18, para. 611.

¹⁷⁸ The Commission delegated authority to the Media Bureau to develop a catalog of eligible reimbursement expenses (Cost Catalog) for reimbursement-eligible entities to use as a guide. *Incentive Auction R&O*, 29 FCC Rcd at 6820, para. 619. The Media Bureau recently sought comment on updates to the prices in the Cost Catalog and will release a final Catalog prior to the beginning of the reimbursement period. See *Media Bureau Seeks Comment on Updates to Catalog of Reimbursement Expenses*, MB Docket No. 16-306, GN Docket No. 12-268, Public Notice, 31 FCC Rcd 11467 (MB 2016).

¹⁷⁹ *Id.*

than 90 days after release of, the *Closing and Reassignment Public Notice*.¹⁸⁰

79. We will release a separate public notice informing eligible entities of the process for receiving reimbursements at a later date. That public notice will advise eligible entities about the process for providing the Commission with banking information and necessary certifications. In particular, the public notice will detail forms that eligible entities will use to submit information regarding estimates of relocation costs and relocation costs actually incurred, as well as relevant banking information, and the processes for validating such information prior to any reimbursements.¹⁸¹

80. As a step prior to beginning this process, as with all entities doing business with the FCC, a representative from an entity that expects to receive a payment from the FCC – including reassigned stations and MVPDs that incur expenses as a result of the post-auction station repack – must log in to the updated Commission Registration System (CORES) (<https://apps.fcc.gov/cores>) and set up a username and password. Detailed instructions on how to register for an FCC Username Account can be found at https://apps.fcc.gov/cores/html/Register_New_Account.htm.¹⁸² For additional information, please contact the Updated CORES System hotline at: 202-418-4120; or e-mail: CoresPilot@fcc.gov.

C. Reimbursement Claims for Actual Expenses Incurred

81. Once reassigned stations and MVPDs incur actual costs as a result of the post-auction channel reassignments, they must file actual reimbursement claims along with any required supporting invoices and other cost documentation using the Reimbursement Form via LMS. Entities may, and likely will, submit multiple reimbursement requests as they incur expenses throughout the reimbursement period. Because reimbursement payments can be made only during the statutory three-year reimbursement period,¹⁸³ the Media Bureau will announce a date prior to the end of the reimbursement period at which time all remaining expense documentation and additional estimates for work not yet completed must be submitted.¹⁸⁴ A station or MVPD must provide a detailed explanation on the Reimbursement Form if an actual cost exceeds the estimated cost for a particular line item. Reimbursement claims will be reviewed to ensure that payment is made only for costs “reasonably incurred” in accordance with Section 1452(b)(4).¹⁸⁵ The Commission has determined that costs incurred during or before the incentive auction that would otherwise be reimbursable are eligible for reimbursement.¹⁸⁶ Although some reassigned stations will have already incurred expenses that may be

¹⁸⁰ *Incentive Auction R&O*, 29 FCC Rcd at 6817, para. 610. We reiterate that stations that are “unable to construct” and, thus, file their application for a construction permit for the first time in the first priority window for alternate channel/expanded facilities, will not be required to file the Reimbursement Form detailing their estimated relocation costs within 90 days after the release of the *Closing and Reassignment Public Notice*, as other stations eligible for reimbursement must do. Instead, they must file the Reimbursement Form detailing their estimated relocation costs within 30 days after receiving a construction permit for an alternate channel or expanded facilities. *Id.* at 6823 n.1754.

¹⁸¹ See *Incentive Auction R&O*, 29 FCC Rcd at 6820, para. 619 (delegating authority to the Media Bureau to create one or more forms to be used by entities to claim reimbursement from the Reimbursement Fund, as well as to report on entities’ use of money disbursed from the Fund and the status of their construction efforts, and for any other Reimbursement Fund-related purposes).

¹⁸² See also *The Incentive Auction Task Force Announces an Online Tutorial for Full Power and Class A Broadcasters and Multichannel Video Programming Providers On Preparing To Receive Post-Auction Payments*, Public Notice, DA 16-1410 (rel. Dec. 19, 2016).

¹⁸³ Spectrum Act § 6403(b)(4)(D).

¹⁸⁴ *Incentive Auction R&O*, 29 FCC Rcd at 6819, para. 616.

¹⁸⁵ 47 U.S.C. § 1452(b)(4).

¹⁸⁶ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Declaratory Ruling, 31 FCC Rcd 4246 (2016).

eligible for reimbursement by the time the *Closing and Reassignment Public Notice* is released, requests for reimbursement of such costs will not be processed until after the Media Bureau makes an initial allocation for stations and MVPDs that have timely filed reimbursement cost estimates during the 90-day period after release of the *Closing and Reassignment Public Notice*.

D. Service Rule Waiver in Lieu of Reimbursement

82. In lieu of receiving reimbursement for relocation costs, a reassigned station may request a waiver of the Commission's service rules to allow the station to make flexible use of its reassigned spectrum to provide services other than broadcast television services.¹⁸⁷ Such waivers are subject to all applicable interference protections and will only remain in effect while the licensee provides at least one broadcast television program stream on such spectrum at no charge to the public.¹⁸⁸ The Commission has delegated authority to the Media Bureau to act on service rule waivers on a case-by-case basis.¹⁸⁹ Waivers will be evaluated in accordance with the Commission's general waiver standard,¹⁹⁰ and must demonstrate that the applicant will protect against interference and provide at least one broadcast television program stream at no charge to the public, as required by the Spectrum Act.¹⁹¹ Stations may request that a waiver be granted on either a temporary or a permanent basis.¹⁹²

83. The Media Bureau will accept service rule waiver requests from reassigned stations otherwise eligible for reimbursement for relocation costs during a 30-day window commencing upon release of the *Closing and Reassignment Public Notice*.¹⁹³ Waiver requests must be filed via LMS in accordance with the instructions in Appendix A, and must include the requisite fee. Waiver requests should also be e-mailed to: IATransitionlicensing@fcc.gov. The Media Bureau will expeditiously process petitions and timely inform the petitioners of the disposition.¹⁹⁴ A licensee must accept the terms of a waiver within 10 days of grant.¹⁹⁵ Instructions on how to accept grant of the waiver will be provided in the written notification sent to the station by the Media Bureau.

84. Until the Media Bureau grants a waiver request and the station accepts the terms of the waiver grant, a station must meet *all* requirements to obtain reimbursement (*e.g.*, timely filing the Reimbursement Form).¹⁹⁶ A station that is granted and accepts the terms of a waiver must comply with *all* transition filings, construction, and notice requirements, and deadlines, unless otherwise instructed by the Media Bureau.¹⁹⁷

VII. CONTACTS

85. Additional questions concerning the post-incentive auction transition may be referred to the contact persons below.

¹⁸⁷ 47 U.S.C. § 1452(b)(4)(B); 47 CFR § 73.3700(f).

¹⁸⁸ *Id.*

¹⁸⁹ *Incentive Auction R&O*, 29 FCC Rcd at 6828, para. 640.

¹⁹⁰ *Incentive Auction R&O*, 29 FCC Rcd at 6828, para. 640 and n.1783; 47 CFR § 1.3.

¹⁹¹ 47 U.S.C. § 1452(b)(4)(B); *Incentive Auction R&O*, 29 FCC Rcd at 6828, para. 640 and n.1784.

¹⁹² 47 CFR § 73.3700(f)(1)(ii); *Incentive Auction R&O*, 29 FCC Rcd at 6829, para. 643.

¹⁹³ 47 CFR § 73.3700(f)(1)(i); *Incentive Auction R&O*, 29 FCC Rcd at 6829, para. 643.

¹⁹⁴ Notifications will be sent to the station's address of record via LMS as well as any address provided in the waiver request.

¹⁹⁵ 47 CFR § 73.3700(f)(2); *Incentive Auction R&O*, 29 FCC Rcd at 6829, para. 643.

¹⁹⁶ 47 CFR § 73.3700(f)(3); *Incentive Auction R&O*, 29 FCC Rcd 6829-30, para. 644.

¹⁹⁷ 47 CFR § 73.3700(f)(4); *Incentive Auction R&O*, 29 FCC Rcd 6829-30, para. 644.

Television licensing (legal):	Shaun Maher at 202-418-2324 or Shaun.Maher@fcc.gov
Full power television licensing (technical):	Kevin Harding at 202-418-1600 or Kevin.Harding@fcc.gov
Class A licensing (technical):	Hossein Hashemzadeh at 202-418-1658 or Hossein.Hashemzadah@fcc.gov
Transition Scheduling Plan:	Evan Morris at 202-418-1656 or Evan.Morris@fcc.gov
Reimbursement of Expenses (Form 399):	Pamela Gallant at 202-418-0614 or Pamela.Gallant@fcc.gov Raphael Sznajder at 202-418-1648 or Raphael.Sznajder@fcc.gov
Service Rule Waivers:	Evan Morris at 202-418-1656 or Evan.Morris@fcc.gov
LMS:	Technical problems or trouble accessing: (877) 480-3201 TTY: (717) 338-2824
General Auction 1000 Information:	www.fcc.gov/auctions/1000

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APPENDIX A

INSTRUCTIONS FOR ACCESSING AND FILING ON LMS

General Log-in Instructions

Access the LMS applicant data entry home page here:

<https://enterpriseefiling.fcc.gov/dataentry/login.html>

Log-in using the FRN associated with the station.

For more information and help using the LMS system, contact: (877) 480-3201 TTY, or (717) 333-2824.

Instructions for Specific Filings

After logging into LMS, follow these instructions for the particular type of filing.

Fees and Fee Exemption: Applicants must pay the requisite filing fee where applicable. Applicants may request a fee exemption for the filing of their initial minor change construction permit by selecting “Yes” in the “Fees, Waivers and Exemption” section of Form 2100 and indicating “Section 1.1116(a)/Incentive Auction Filing Requirement” as the reason for the fee exemption.

Waiver of Construction Permit Application Filing Deadline

1. Click on the “Facilities” tab on the left top of the page.
2. Click on the facility ID number of the station requesting the waiver.
3. Click on the “File an Application” button.
4. Select “Legal STA” from drop down menu.
5. In Application Description, enter “Requesting a Waiver of Section 73.3700(b)(1)(i).” Upload an attachment explaining justification for waiver and select “All Purpose” as the Attachment Type. Once upload had commenced, click on Back button and then Save and Continue.
6. Select “Waivers” from application section “Fees, Waivers and Exemptions.” Select Yes for Waivers, answer questions appropriately, and click Save and Continue.
7. Complete the application and click Submit.
8. Download the Reference copy and e-mail to IATransitionlicensing@fcc.gov.

FCC Form 2100 – Schedule 399 (Reimbursement form), Schedule A and Schedule E (Construction permit)

1. Click on “Authorizations” tab on the left top of the page.
2. Click on the license authorization file number of the station.
3. Click on “File an Application” button.
4. Select appropriate Schedule from the drop down menu.
5. Complete the application and click “Submit.”

Amending FCC Form 2100 – Schedule 399 (Reimbursement form), Schedule A and Schedule E (Construction permit)

1. Click on “Submitted tab.”
2. Click on file number of the application to be amended.
3. Click on “File an Application” button.
4. Select “amend Application” from the drop down menu.
5. Complete the application and click “Submit.”

FCC Form 2100 – Schedule B and F – Application for License

1. Click on “Authorizations” tab on the left top of the page.
2. Click on construction permit authorization.
3. Click on “File an Application” button.
4. Select “license to cover” from drop down menu.
5. Complete the application and click “Submit.”

Engineering, Legal, and Silent STAs

1. Click on “Facilities” tab on the left top of the page.
2. Click on Facility ID of the station.
3. Click on “File an Application” button.
4. Select “STA – engineering, legal or silent” from the drop down menu.
5. Complete the application and click “Submit.”
6. Download the Reference copy and e-mail to IATransitionlicensing@fcc.gov.

Suspension of Operations Notification

1. Click on “Facility” tab on the left top of the page.
2. Click on facility ID of the station.
3. Click on “File an Application” button.
4. Select “Suspension of Operations Notification” from the drop down menu.
5. Complete the application and upload a certification of compliance with the viewer notification provisions of section 73.3700(c)(1) of the rules and click “Submit.”
6. Download the Reference copy and e-mail to IATransitionlicensing@fcc.gov.

Request to Cancel License

1. Click on “Facility” tab on the left top of the page.
2. Click on facility ID of the station.
3. Click on “File an Application” button.
4. Select “Request to Cancel License” from the drop down menu.
5. Complete the application and click “Submit.”
6. Download the Reference copy and e-mail to IATransitionlicensing@fcc.gov.

FCC Form 2100 – Schedule 337 – Application for Extension of Time

1. Click on “Authorization” tab on the left top of the page.
2. Click on construction permit authorization.
3. Click on “File an Application” button.
4. Select “Schedule 337” from the drop down menu.
5. Complete the application and click “Submit”
6. Download the Reference copy and e-mail to IATransitionlicensing@fcc.gov.

FCC Form 2100 – Schedule Tolling – Application for Tolling or Waiver of Tolling Rule

1. Click on “Authorizations” tab on the left top of the page.
2. Click on construction permit authorization.
3. Select “File an Application” button.
4. Select “Tolling” from the drop down menu.
5. Complete the application and click “Submit.”
6. Download the Reference copy and e-mail to IATransitionlicensing@fcc.gov.

Service Rule Waivers

1. Click on the “Facilities” tab on the left top of the page.
2. Click on the facility ID number of the station requesting the waiver.
3. Click on the “File an Application” button.
4. Select “Legal STA” from drop down menu.
5. In Application Description, enter “Service Rule Waiver Request Pursuant to Section 73.3700(f).” Upload an attachment explaining justification for waiver and select “All Purpose” as the Attachment Type. Once upload had commenced, click on Back button and then Save and Continue.
6. Select “Waivers” from application section “Fees, Waivers and Exemptions.” Select Yes for Waivers, answer questions appropriately, and click Save and Continue.
7. Complete the application and click Submit.
8. Download the Reference copy and e-mail to IATransitionlicensing@fcc.gov.