



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

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MEDIA BUREAU REMINDS LOW POWER TELEVISION AND TELEVISION TRANSLATOR STATIONS THAT THE JULY 13, 2021, DIGITAL TRANSITION DATE AND OTHER IMPORTANT DEADLINES ARE ONE WEEK AWAY

The Media Bureau (Bureau), by this Public Notice, reminds all low power television and television translator stations (LPTV/translator stations) that the **July 13, 2021**, digital transition date – when stations must terminate all analog television operations – is just one week away. Further, permittees and licensees with a **July 13, 2021** digital construction permit expiration date must complete construction of their facilities by that date in order to avoid automatic cancellation of their license and/or digital construction permit. Below, the Bureau also provides information concerning the procedures that LPTV/translator stations must follow to complete their digital transition if they have not already done so.

Analog Termination Deadline: July 13, 2021

By **11:59 p.m. local time on July 13, 2021**, all LPTV/translator stations must terminate all analog television operations regardless of whether their digital facilities are operational (analog termination deadline).¹ After **11:59 p.m. local time on July 13, 2021**, LPTV/translator stations may no longer operate any facility in analog mode and all analog licenses shall automatically cancel at that time, without any affirmative action by the Commission.² Analog LPTV/translator stations with a digital construction permit that has an expiration date of **July 13, 2021**, must complete construction by 11:59 p.m. local time, and file a license to cover within 10 days.³ Failure to do so will result in automatic forfeiture of the station's construction permit, automatic cancellation of the station's license, and deletion of its call sign.⁴ Instructions for filing an application for license to cover are included in the Appendix.

¹ 47 CFR § 74.731(m). See *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, 14932-33, para. 9 (2015) (*LPTV DTV Third R&O*). In that decision, the Commission extended the LPTV digital transition date until 12 months following the completion of the 39-month post-Incentive Auction transition period or 51 months from the completion of the Incentive Auction and the release of the *Closing and Channel Reassignment Public Notice*. *Id.* See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF and MB 2018) (*Closing and Channel Reassignment Public Notice*). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the LPTV digital transition date is **July 13, 2021**. See 47 CFR § 74.798 and *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Report and Order, 26 FCC Rcd 10732, 10755, para. 49 (2011) (viewer notifications).

² 47 CFR § 74.731(m).

³ See 47 CFR §§ 73.1620(a)(1) and 74.788(a).

⁴ See 47 CFR § 74.731(m) (automatic license cancellation provision); 47 CFR § 74.788(a) (automatic construction permit forfeiture). Cancellation of the stations construction permit and/or license and deletion of its call sign by

(continued....)

We also, once again,⁵ urge remaining analog LPTV/translator stations that do not have a digital construction permit to **immediately** file an application for one in order to avoid automatic cancellation of their station license.⁶ We encourage such stations to submit their applications as soon as possible to ensure that they will be considered before the **July 13, 2021** expiration of their analog license. Analog LPTV/translator stations that have not been granted a digital construction permit as of **11:59 p.m. local time on July 13, 2021**, will find that their analog license has been automatically cancelled and will have their call sign deleted.⁷ The Bureau recommends filing an application for on-channel digital conversion (“flash-cut”) wherever possible in order to expedite processing. Instructions for filing an application for digital construction permit are included in the Appendix.

Construction Permits For New Digital LPTV/Translator Stations Expiring July 13, 2021

We remind permittees for new digital LPTV/translator stations with **July 13, 2021** construction permit expiration dates⁸ that, no later than **11:59 p.m. local time on July 13, 2021**, they must complete construction of their facilities, begin operating, and within 10 days file a license to cover application.⁹ Failure to do so will result in the construction permit being automatically forfeited without any further

Media Bureau staff in the Licensing and Management System (LMS) is an administrative function and does not constitute an official Commission action. The Commission has a long-established policy of the “single, unified station license” as part of the digital conversion process, *see Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Report and Order, 26 FCC Rcd 10732, 10755, para. 48 (2011) citing *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd 19331, 19390, n. 362 (2004) (stating that the Commission has always been clear that the station’s two “authorizations” are part of a single, unified license) (emphasis added). Therefore, an analog LPTV/TV Translator station whose analog license is automatically cancelled after 11:59 pm local time on July 13, 2021 and does not have a digital construction permit by that time, no longer has a license to modify.

⁵ See *Media Bureau Reminds Remaining Analog Low Power Television and Television Translator Stations Without Digital Construction Permits to File Immediately in Order to Ensure A Successful Digital Transition*, Public Notice, DA 21-684 (rel. June 11, 2021); 86 FR 32262 (June 17, 2021).

⁶ The Bureau has posted a list of the remaining analog LPTV/translator stations that have not obtained a digital construction permit to transition to digital operations on its web page: https://www.fcc.gov/sites/default/files/analog_stations_without_a_digital_permit.xlsx. The list of stations on the Bureau website is current as of June 9, 2021 and may not reflect stations that were cancelled or filed for digital construction permits on or after that date. See *id.*

⁷ See *supra* note 4.

⁸ Construction permits for new digital LPTV/translator stations granted before the December 17, 2015 release of the Commission *LPTV DTV Third R&O* were assigned an expiration date of July 13, 2021 – the Commission’s LPTV digital transition deadline. See 47 CFR § 74.788(a); *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, 14935, para. 16 (2015) (*LPTV DTV Third R&O*). Construction permits for new digital LPTV/translator stations granted after December 17, 2015, were assigned an expiration date of the later of either July 13, 2021 or three years from the date of issuance of the original construction permit. See 47 CFR § 74.788(a).

⁹ See 47 CFR §§ 73.1620(a)(1) and 74.788(a); *Media Bureau Reminds Certain Permittees of New Digital Low Power Television and Television Translator Stations of Upcoming July 13, 2021 Construction Permit Expiration Deadline*, Public Notice, DA 21-683 (rel. June 11, 2021).

affirmative cancellation by the Commission.¹⁰ Instructions on filing an application for license to cover are included in the Appendix.

Late-Filed Construction Permit Extension Applications

All analog LPTV/translator stations receiving a digital construction permit, regardless of the date it is granted, and certain new digital LPTV/Translator stations are assigned a construction permit expiration date of **July 13, 2021**.¹¹ Any such LPTV/translator station that finds that it will need additional time to complete its digital construction may submit an application for extension of its digital construction permit. Because the March 15, 2021 deadline for filing an extension of digital construction permit (CP extension filing deadline) has already passed,¹² stations will need to include a request for waiver of the CP extension filing deadline along with its request for extension.¹³ We encourage such stations to submit their extension application and filing deadline waiver as soon as possible to ensure that they will be considered before the **July 13, 2021** expiration of their digital construction permit. Instructions for filing an application for extension are included in the Appendix. **We note that the grant of an extension of time to complete construction of a station's digital facility will in no way extend the July 13, 2021, analog service termination date.**¹⁴

Requests For Silent Authority

Analog LPTV/translator stations that are unable to complete construction of their digital facilities must cease analog television operations no later than **11:59 p.m. local time on July 13, 2021**, and remain silent until construction is completed. We remind licensees that a station may suspend operations for a period of not more than 30 days absent specific authority from the Commission.¹⁵ Stations that remain silent for more than 10 days must notify the Commission not later than the 10th day of their suspended operations by filing a Suspension of Operations Notification via LMS as outlined in the Appendix.¹⁶

¹⁰ See 47 CFR § 74.788(b). Cancellation of a construction permit and deletion of the facility call sign in the Commission's Licensing and Management System (LMS) is an administrative function and does not constitute an official Commission action.

¹¹ See 47 CFR § 74.788(a).

¹² Pursuant to section 74.788(c)(3) of the Commission's rules, 47 CFR § 74.788(c)(3), transitioning LPTV/translator stations were afforded one last opportunity to seek an extension of their digital construction permits, of not more than 180 days. Applications for extension of digital construction permits were due March 15, 2021. See *Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date*, Public Notice, DA 21-260 (rel. Mar. 4, 2021).

¹³ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown). 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. *Network IP v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008).

¹⁴ We also note that additional time to construct beyond the initial 180-day extension may be sought only pursuant to the Commission's "tolling" rule. 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. 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). 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. See *1998 Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, para. 42 (1999). Stations must electronically file tolling and tolling waiver requests via LMS, in accordance with the instructions in the Appendix.

¹⁵ See 47 CFR §§ 73.1740(a)(4) and 74.763(b).

¹⁶ *Id.*

Stations that need to remain silent for more than 30 days must file a Silent STA via LMS as outlined in the Appendix.

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 may extend or reinstate such station license if the holder of the license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.¹⁷ Stations that need to extend and/or reinstate their license should do so as part of a request to extend their Silent STA filed via LMS as outlined in the Appendix.

Surrender/Cancellation of Analog Licenses or Construction Permits

Analog licensees that choose not to convert to digital and instead intend to permanently discontinue operations must do so no later than **11:59 p.m. local time on July 13, 2021**. If a station is currently silent and does not intend to convert to digital operation or recommence analog operation prior to **July 13, 2021**, or plans to permanently discontinue operation prior to **July 13, 2021**, we encourage such stations to notify Commission staff and to submit their station licenses for cancellation.¹⁸ Similarly, permittees of new digital LPTV/translator stations that do not plan to complete construction of their digital facilities are encouraged to notify Commission staff and to submit their construction permits for cancellation as soon as possible.¹⁹ Instructions for requesting cancellation of a station license or construction permit are included in the Appendix.

Filing Deadline For Digital-to-Digital Replacement Translators: July 13, 2021

In the *LPTV DTV Third R&O*, the Commission established a new digital-to-digital replacement translator (DTDRT) service to allow eligible full power television stations to recover lost digital service area that could result from the Incentive Auction repacking process.²⁰ The Commission concluded that full power stations may file for DTDRTs beginning with the opening of the post-Incentive Auction *Special Displacement Window*²¹ and ending one year after completion of the post-Incentive Auction transition period.²² Accordingly, we remind interested full power stations that DTDRT applications must be filed not later than **July 13, 2021**.

¹⁷ See 47 U.S.C. § 312(g). The Commission's rules also provide that the "license of . . . [a] TV translator or TV broadcast booster, or low power TV station will expire as a matter of law upon failure to transmit broadcast signals for any consecutive 12-month period notwithstanding any provision, term, or condition of the license to the contrary." 47 CFR § 74.15(f). See 47 CFR § 74.763(c). See also 47 CFR §§ 73.1020(c), 73.1615(c)(2), 73.1635(a)(4), 73.1740(c), 73.1750.

¹⁸ Stations that do not plan to convert to digital should notify the following Commission staff via e-mail: Mark Colombo at Mark.Colombo@fcc.gov and Shaun Maher at Shaun.Maher@fcc.gov. For all other analog LPTV/translator stations that choose not to convert to digital but continue to operate in analog until 11:59 p.m. local time on July 13, 2021, their licenses will automatically cancel, by operation of law, and call signs will be deleted. See *supra* note 4.

¹⁹ Permittees that do not plan to construction their new digital facilities should notify the following Commission staff via e-mail: Mark Colombo at Mark.Colombo@fcc.gov and Shaun Maher at Shaun.Maher@fcc.gov. All construction permits for which the station is not constructed and operational by July 13, 2021, and a license to cover filed within 10 days will have its construction permit automatically forfeited without any further affirmative cancellation by the Commission. See *supra* notes 9 and 10.

²⁰ *LPTV DTV Third R&O*, 30 FCC Rcd at 14956-57, para. 65.

²¹ See *Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018, Through May 15, 2018, and Make Location and Channel Data Available*, Public Notice, 33 FCC Rcd 1234 (IATF and MB 2018); *Incentive Auction Task Force and Media Bureau Extend Post Incentive Auction Special Displacement Window Through June 1, 2018*, Public Notice, 33 FCC Rcd 3794 (IATF and MB 2018).

²² 47 CFR § 74.787(a)(5)(i); *LPTV DTV Third R&O*, 30 FCC Rcd at 14959, para. 70.

Additional Information or Questions

For additional information or questions, please contact Mark Colombo (technical questions), Mark.Colombo@fcc.gov, (202) 418-7611, or Shaun Maher (legal questions), Shaun.Maher@fcc.gov, (202) 418-2324, of the Video Division, Media Bureau.

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APPENDIX**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>

Login using the FRN associated with the station.

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

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 “Cancellation” from the 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.”

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 click “Submit.”

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 “Extension of Construction Permit” from the drop-down menu.
5. Complete the application and click “Submit”

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.”

FCC Form 2100 – Schedule C – Application for Minor Change to Licensed Facility

1. Click on “Authorizations” tab on the left top of the page.
2. Click on license authorization.
3. Select “File an Application” button.
4. Select “Digital Flash Cut” or “Digital Companion” or “Displacement” from the drop-down menu.
5. Complete the application and click “Submit.”

FCC Form 2100 – Schedule D – 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.”