



PUBLIC NOTICE

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MEDIA BUREAU ANNOUNCES COMMENCEMENT OF FIRST-COME, FIRST-SERVE CHANNEL CHANGE OPPORTUNITY FOR CLASS A TELEVISION, LPTV AND TV TRANSLATOR STATIONS BEGINNING ON AUGUST 20, 2024

By this Public Notice, the Media Bureau (Bureau) announces that beginning **August 20, 2024**, we will lift our current freeze on major modification applications and permit all Class A television (Class A), low power television (LPTV), and television translator stations (TV translator) stations to file major change applications in order to change their existing channel, subject to certain limitations. The current freeze will remain in place until further notice for all other major modifications and applications for new LPTV and TV translator stations.¹ This is our first step in the process of lifting the freeze that has been in place since 2010 restricting the filing of major modifications for Class A, LPTV, and TV translator stations and the filing of applications for new LPTV and TV translator stations. Outlined below and in the Appendix are the specific details and the procedures and rules that applicants must follow when filing as part of this opportunity.

Beginning **August 20, 2024**, all Class A, LPTV, and TV translator stations will be permitted, on a nationwide basis and without geographic limitation, to file a major modification to seek authority to change channel. No other major changes will be permitted and any changes to a station's facility are restricted to a change in channel and those that could otherwise be requested in a minor modification application.² For example, requests to move a facility greater than 30 miles (or 48 kilometers) are not

¹ See *Freeze on the Filing of Applications for New Digital Low Power Television and TV Translator Stations*, Public Notice, 25 FCC Rcd 15120 (MB 2010); *Initiation of Nationwide First-Come, First-Served Digital Licensing for Low Power Television and TV Translators Postponed Until Further Notice*, Public Notice, 25 FCC Rcd 8179 (MB 2010). The action described herein does not impact eligible LPTV stations' ability to apply for Class A status under the rules adopted by the Commission pursuant to the Low Power Protection Act once such opportunity is announced. See *Implementation of the Low Power Protection Act*, MB Docket No. 23-126, Report and Order, FCC 23-112 (rel. Dec. 12, 2023); Low Power Protection Act, Pub. L. 117-344, 136 Stat. 6193 (2023). A window for eligible LPTV stations under the LPPA to convert to Class A Status will be announced at a later date, pending Federal Register publication of PRA approval. See *Media Bureau Announces Effective Date of Certain Low Power Protection Act Rules*, MB Docket No. 23-126, Public Notice, DA 24-26 (MB rel. Jan. 10, 2024); Federal Communication Commission, Information Collections Being Submitted for Review and Approval to Office of Management and Budget, 89 Fed. Reg. 21519 (Mar. 28, 2024).

² Applications for major changes for LPTV and TV translator stations include: (i) Any change in the frequency (output channel) not related to displacement relief; (ii) Any change in transmitting antenna location where the protected contour resulting from the change does not overlap some portion of the protected contour of the authorized facilities of the existing station; or (iii) Any change in transmitting antenna location of greater than 30 miles (48 kilometers) from the reference coordinates of the existing station's antenna location. See 47 CFR § 74.787(b)(1). All other changes are considered minor changes. 47 CFR § 74.787(b)(2). In the case of Class A TV stations, a major change is any change in: (i) Frequency (output channel), except a change in offset carrier frequency; or (ii) Transmitting antenna location where the protected contour resulting from the change is not predicted to overlap any portion of the protected contour based on the station's authorized facilities. 47 CFR § 73.3572(a)(2). Other facilities changes are considered minor. 47 CFR § 73.3572(a)(3).

permitted and remain subject to the existing freeze.³ We find limiting major modifications in this manner is in the public interest as it will allow stations that have not had an opportunity to change channel since prior to the Incentive Auction the ability to resolve viewer reception issues that cannot be resolved through means other than changing channel. It will also allow stations to improve television service to existing viewers prior to providing an opportunity for other major modifications, such as moving greater than 30 miles, or allowing interested parties to apply for new stations.⁴

All applications will be processed on a first-come, first-serve basis and will be “cut off” daily for purposes of determining mutual exclusivity (MX).⁵ Applicants will be given an opportunity to resolve their mutual exclusivity through settlement or engineering amendment that may be submitted during a settlement window to be announced by the Bureau by separate public notice.⁶ Applications that do not comply with the parameters of this filing opportunity may be amended within 30 days to come into compliance, provided that the amended application does not create a new MX with any other application filed during this opportunity.⁷ Any application that fails to come into compliance will be dismissed.

At a future date, the Bureau will announce by Public Notice plans and procedures to lift the freeze on all major changes to Class A, LPTV, and TV translator stations (e.g., channel change, relocating transmitter sites greater than 30 miles or without contour overlap)⁸ and resume first-come, first-serve applications for new LPTV and TV translator stations. The opportunity for Class A, LPTV, and TV translator stations to change channels will remain available unless subsequently frozen by the Bureau.

Class A station applications must be filed electronically via the Commission’s Licensing and Management System (LMS) on FCC Form 2100 – Schedule E and applicants will be required to pay the requisite fee for a major change application (\$4,755.00).⁹ LPTV and TV translator station applications must be filed electronically via LMS on FCC Form 2100 – Schedule C and applicants will be required to pay the requisite fee for a major change application (\$865.00).¹⁰

³ Consistent with prior Bureau action, we are placing limits on the nature of major modifications for a limited period. *See Commencement of Rural First-Come, First-Served Digital licensing for Low Power Television and TV Translators Beginning August 25, 2009*, Public Notice, 24 FCC Rcd 8911 (2009) (2009 Rural LPTV PN) (prohibiting applicants from proposing facilities located within 121 kilometers (75 miles) of the reference coordinates for the top 100 markets in order to “ensure continued service for viewers of low power television and TV translator stations in the rural portions of the United States.”); 47 CFR § 74.787(a)(3).

⁴ *See Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, 16511, para. 42 (2010) (recognizing reception challenges posed by VHF channels in providing digital television service). There remain a limited number of new, unbuilt LPTV stations that were authorized as part of the so-called “2009 Rural LPTV Window.” *See 2009 Rural LPTV PN*, 24 FCC Rcd 8911. These stations have never operated, but have unexpired construction permits. While these stations have not previously served the public, we find it is in the public interest to permit them to also apply to change their channel in order to avoid the need to double build their facilities – i.e., build their station on their currently permitted channel and then have to subsequently invest in modified facilities to move to a new channel.

⁵ *See* 47 CFR § 74.787(a)(3).

⁶ *See* 47 U.S.C. § 309(j)(6)(E); 47 CFR § 73.5002(d).

⁷ Applicants will be notified in writing by letter and electronic mail of any deficiency in their application(s).

⁸ *See supra* note 2.

⁹ 47 CFR § 1.1104, Table 1. Instructions for filing of major change applications are contained in the Appendix.

¹⁰ 47 CFR § 1.1104, Table 6. Instructions for filing of major change applications are contained in the Appendix. We note that this filing opportunity will come after the Commission begins using 2020 Census data for calculating interference percentages. *See Media Bureau Announces the Incorporation of 2020 U.S. Census Population Data into*

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For additional information, contact Shaun Maher, Video Division, Media Bureau at Shaun.Maher@fcc.gov or (202) 418-2324 (legal); or Mark Colombo, Video Division, Media Bureau at Mark.Colombo@fcc.gov or (202) 418-7611 (technical).¹¹

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the Commission's TVStudy Software and Requirements to Utilize Such Data Effective August 1, 2024, Public Notice, DA 24-497 (rel. May 28, 2024). As such, applications prepared for this filing opportunity should be prepared using 2020 Census data found in the new *TVStudy* 2.3.0 software. See *Office of Engineering and Technology Announces Release of Version 2.3.0 of TV Study*, Public Notice, DA 24-499 (rel. May 28, 2024).

¹¹ This action is taken by the Chief, Media Bureau, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission's rules. 47 CFR §§ 0.61 and 0.283.

APPENDIX
INSTRUCTIONS FOR ACCESSING AND FILING ON LMS

General Log-in Instructions

1. Access the LMS applicant data entry home page here:

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

2. Log-in using the FRN associated with the station.

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

Application For Major Change

1. Click on “Authorizations” tab on the left top of the page.
2. Click on the file number of the current license for the station.
3. Click on “File an Application” button.
4. Select “Major Change of a Licensed Facility (Schedule E)” for Class A stations or “Major Change of a Licensed Facility (Schedule C)” for LPTV/TV Translator stations from the drop-down menu.
5. Complete the application and click “Submit.”