

First Post-Auction Priority Filing Window to Open August 9, 2017

August 7, 2017

The FCC has announced that the first priority filing window for the post-Incentive Auction repack will open on Wednesday, August 9, 2017 and continue through Friday, September 8, 2017.

The priority filing window is the first of three filing windows that the FCC plans to open for stations affected by the post-auction repack of broadcast television stations. To participate in the first window, a station must either: (1) have received a waiver of the July 12, 2017, initial construction permit application deadline because the station was “unable to construct” the facilities specified in the Closing and Channel Reassignment Public Notice; (2) be predicted to experience a greater than one percent loss of population served as a result of the repacking process; or (3) be one of the Class A stations that did not receive protection and were displaced in the repacking process. Stations participating in the first window may request alternate channels and/or expanded facilities as long as the proposed changes: (1) qualify as minor changes under the Commission’s rules; (2) protect the construction permits of band changing stations and reassigned stations; and (3) protect facilities specified in applications filed before the April 2013 freeze with “cut-off” protection.

Stations eligible for the first priority window may file their applications at any time during the window; all timely filed applications will be treated as if they were filed on the last day of the window.

The second alternate channels/expanded facilities window will open shortly after the conclusion of the priority filing window and will be open to any television station assigned to a new channel in the Closing and Channel Reassignment Public Notice (including both reassigned and band changing stations).

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Finally, after the conclusion of the second window, the FCC will issue a public notice identifying available channels for LPTV and TV translators. No less than sixty days later, the FCC will open an LPTV and TV translator displacement window.

If you have questions or need assistance with your alternate channel/expanded facility or displacement applications, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys identified on this client alert.