

ALERT

FCC Seeks Comment on Proposal to Streamline Assignment/Transfer of TV Satellite Stations

March 23, 2018

At its March 22, 2018, open meeting, the Federal Communications Commission (FCC) adopted a Notice of Proposed Rulemaking (NPRM) proposing to streamline the process of applying to assign or transfer control of a television satellite station. Comments are due 30 days from publication in the Federal Register, with reply comments due 15 days later.

Television satellite stations are full power television stations that retransmit some or all of the programming of another television station and, as such, are exempt from the local and national television multiple ownership limits. Currently, the FCC evaluates proposals to qualify a station as a satellite station on an *ad hoc* basis, considering whether the satellite station serves an underserved area and whether there is an alternative operator who is ready and able to operate the satellite station as a full-service station. Upon application to assign or transfer the parent/satellite combination, the Commission requires the applicant to demonstrate that the conditions that initially warranted satellite status continue to exist.

The NPRM proposes to permit the transfer or assignment of a previously approved parent/satellite combination if: (1) the applicants certify that the circumstances supporting the initial satellite authorization have not changed materially since the FCC issued its most recent authorization; and (2) the applicants attach a copy of the most recent written Commission decision granting the satellite exception for the current parent/satellite combination. Under the proposal, the new procedures would not apply if the transaction would result in the replacement of the current parent station with a

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different parent station, although the FCC seeks comment on whether to expand the new procedure.

The Commission asks several additional questions in the NPRM, such as what showing would be required if the Commission's most recent decision granting satellite status is unavailable or does not specify the circumstances surrounding the grant, what information the FCC should include on the Form 732 if it does not issue a written decision, and what types of changes would be considered material.

If you have questions or would like to submit comments, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys listed on this alert.