

Transitioning TV Stations Should Be Mindful of Notification Requirements

May 7, 2018

As a reminder, full power and Class A television stations that will be moving to a new channel in the post-incentive auction transition (either because they have been repacked or submitted a successful UHF-to-VHF bid in the auction) are required to provide notice to multichannel video programming distributors (MVPDs), medical facilities, and viewers before transitioning to their post-auction channels. We have included a summary of these requirements below. Stations should plan ahead to ensure that they provide these notifications within the required timeframes.

- MVPD Notifications: A transitioning station must provide notice to MVPDs that will be obligated to carry the station on its new post-auction channel at least 90 days prior to the date on which the station will begin operations on its post-auction channel. Accordingly, stations transitioning at the start of the testing period for Phase 1 will need to send their notices as early as June 16, 2018.
 - For cable systems, each notice should be sent to the official address in the FCC's COALS database.
 - For all other MVPDs, each notice should be sent to the official corporate address registered with the MVPD's State of Incorporation.
 - The notices should include the following information: (i) date and time of any channel changes, (ii) pre-auction and post-auction 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.

Authors

John M. Burgett
Partner
202.719.4239
jburgett@wiley.law

Joan Stewart
Of Counsel
202.719.7438
jstewart@wiley.law

Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

Media
Telecom, Media & Technology

- Medical Notifications: Each construction permit for a transitioning station broadcasting a digital signal includes a condition to “make a good faith effort to identify and notify health care facilities (e.g., hospitals, nursing homes, see 47 CFR 15.242(a)(1)) within your service area potentially affected by your DTV operations.”
 - The FCC does not provide a central database of health care facilities, but there are third party services that can provide these notifications on a station’s behalf.
 - The following relevant technical information should be provided so the medical facility can evaluate the potential for interference: (i) post-auction channel, (ii) targeted on-air date, (iii) effective radiated power, (iv) antenna location, and (v) antenna height.
 - Stations should provide medical notifications with ample time before commencing operation.
- Consumer Education: A transitioning station is required to provide consumer education regarding its post-auction transition in the form of public service announcements and/or crawls for at least 30 days prior to the date on which the station will begin operations on its post-auction channel.
 - Both commercial and noncommercial stations changing channels must: (i) air 60 seconds per day of on air education, PSAs, or crawls for 30 days prior to the station’s termination of operations on its pre-auction channel; and (ii) provide instructions (via PSAs, crawls or on air education) to over-the-air and MVPD viewers about how to continue watching the station.
 - Crawls must: (i) be provided in the same language as a majority of the programming carried by the station, (ii) include the date the station will terminate operations on its pre-auction channel, (iii) inform viewers of the need to rescan (if moving to a different channel), and (iv) explain how viewers may obtain more information by telephone or online (by calling or emailing the station or the FCC).
 - PSAs must: (i) run for a minimum of 15 seconds and contain the same information as crawls, and (iii) be closed captioned.

Transitioning stations must place a certification of their compliance with the medical notification and consumer education requirements in their public files.

If you have any questions about these transition notification requirements, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys listed on this client alert.