

# Memorandum to Members

February, 2017

*News and Analysis of Recent Developments in Communications Law*

No. 17-02



(Our Annual Reminder to be careful how you use “Super Bowl”® and other NFL trademarks)

## It’s Not “Super” When You’re Sued

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If I had my way, I’d probably never write on this topic again.

Every year I rack my brain for a hook to help remind readers about the dangers of using the term “Super Bowl”® – and any “Super Bowl”®-related trademarks. (Spoiler alert: Be very careful before including references to “Super Bowl”® in most any non-news/non-sports context.) [After years of posts trying to get the message across](#), it’s hard to keep the material fresh.

And that’s especially true because, as I’ve been very clear in earlier posts on this topic that, I’m not really an NFL guy.

*Be very careful before including references to “Super Bowl”® in most any non-news/non-sports context.*

Of course, I realize that not all others share my view. In fact, as I was flying back across the country recently, the other two people in my row were outfitted in Aaron Rodgers jerseys and apparently spent \$30 for the inflight WiFi just to obtain written play by play updates from *ESPN.com*. As a dedicated sports fan myself, I legitimately felt sorry for them when I

looked over and saw them futilely swiping the screen over and over again, praying that the Pack’s 17-0 deficit would magically disappear (of

course, things only went from bad to worse).

The dedication of those two crazy cheese heads inspired me to push through my own prejudices and address the topic of the NFL and its stranglehold on “Super Bowl” and related and other trademarks. [After all, we have established that no matter how little you are, the league will try to shut you down.](#)

The key point to remember, as always, is that the NFL polices its trademarks – “Super Bowl”® and otherwise – very actively. In the NFL’s view, you cannot use the NFL’s marks for any commercial or promotional purpose like parties, endorsements, advertisements, sponsorships, contests, etc. There are certain “Fair Uses” where use of team names and the game in news stories is permitted, but that’s about it. And don’t forget, even if you do pick a legitimate “Fair Use,” the NFL may not agree with you, which could mean a heap of litigation costs to prove your point.



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## Final Latch Secured on LPTV Freezer

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**T**he FCC has announced that effective immediately, it will no longer accept applications for [construction permits for new digital companion channels](#) filed by analog Low Power Television stations. While this article refers to only LPTV stations, TV translators are subject to all the same rules and to the new freeze.

This freeze removes the only loophole that remained in previously announced LPTV freezes and prevents any LPTV station from filing to change channels or for an additional channel until after the FCC completes repacking of the TV spectrum after the incentive auction concludes. The auction was winding down to close in its final phase as we went to press.

There are three situations where an LPTV applicant may seek to occupy a new channel:

1. An application may be filed to build a new station. Such applications may be filed only during “window” dates announced by the FCC from time to time. No such window has been opened for LPTV since 2010, and there is virtually no chance that a new window will be opened until after full power and Class A television stations have been completed and displaced existing LPTV stations have had an opportunity to apply for substitute channels.
- Pending applications for new digital companion stations that were filed before January 19, 2017, will continue to be processed and granted if they are found to comply with applicable requirements.*
2. An authorized LPTV station may file an application to change channels. If the station is seeking to change channels because it is causing or receiving interference on its existing channel and needs to vacate that channel to resolve the problem, that kind of channel change application has been frozen since 2014, except in the rare situation where new interference is created as the result of a facility change by a full power station and is so severe that the FCC concludes that immediate relief is required. If an existing station wants to change channels without an interference problem that was beyond its control, that application is treated the same as one for a new application and is covered by the 2010 freeze.
  3. An authorized LPTV station that is still operating in the analog mode may file an application for a second channel (a “digital companion”), which it will operate digitally and simultaneously with its analog station until it shuts down its analog operation permanently. The FCC has accepted digital companion applications up until now, but no more. These applications have been stopped by the new freeze.

The one kind of LPTV change application that is still acceptable is an application by an authorized analog LPTV station to convert to digital operation in place of its analog operation and without changing channels. Those applications, known as “flash cut,” may still be filed. Applications may also still be filed by existing stations for minor changes in their service area, as long as there is no change in channel. A “minor” change is a site move of no more than 30 miles, where the existing and proposed service areas overlap.

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# What's Happening

NEXT?

*FCC Releases Proposed Progress Report Form and Seeks to Require Non-Reimbursable Stations to Comply*

## Keeping Tabs on the Post-Auction TV Transition Progress

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As the end of the Incentive Auction (hopefully) nears, the FCC has released additional information about the requirements and mechanisms for [post-auction transition progress reporting](#) by reimbursement-eligible stations, and has put out for comment a proposal to require similar reporting from stations which are not eligible for reimbursement funds but will nonetheless be relocated in the post-auction landscape.

Full-power and Class A television stations involuntarily reassigned to a new channel assignment are considered “Reimbursable Stations” eligible for relocation fund reimbursement and will be required to file Transition Progress Reports on a quarterly basis beginning the first quarter after the FCC releases the Closing and Reassignment Public Notice announcing the completion of the auction and the new channel assignment. Transition Progress Reports will be submitted electronically in LMS on rule 387. A model form is available for review to the public in Appendix A. Reimbursable Stations will also have to file Transition Progress Reports (i) 10 weeks prior to end of the assigned construction deadline; (ii) 10 days after construction of post-auction facilities is complete; and (iii) five days after ceasing operation on their pre-auction channels.

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*All of the information submitted in the Transition Progress Reports will be public and searchable by construction deadline and DMA in addition to the usual search parameters.*

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All of the information submitted in the Transition Progress Reports will be public and searchable by construction deadline and DMA in addition to the usual search parameters. The Commission makes a point that this information will be accessible to “tower companies, equipment providers, engineering consultants, and other interested parties,” to assure these parties that they will have access to information about any repacking they are coordinating, involved in, or working around without having to be directly discussing with each broadcaster. The reports will also be made public in each station’s online public file.

Of course, there are stations which will not be eligible for reimbursement but will nonetheless be moving to a new channel assignment in concert with the rest of the transition. It appears to have occurred to the Incentive Auction Task Force that progress reporting for these stations would be very useful to ensure they stay on schedule, and to give the FCC insight into resource constraints, delays and potential bottlenecks that would otherwise fly under the radar. These stations will include TV stations that accept a bid to move from UHF to a VHF channel, stations which elect no reimbursement funds in exchange for the right to service rule waivers, and a handful of specific displaced Class A stations deemed in prior orders to not be eligible for reimbursement of relocation costs (collectively, the “Non-Reimbursable Stations”). The FCC seeks comment on its proposal to subject Non-Reimbursable Station to the post-transition progress reporting requirements. Comments to MB Docket 16-306 and GN Docket 12-268 were due **January 25<sup>th</sup>**; reply comments are due on **February 6**.



## Public File Political Requirements Clarified as Wheeler Administration Sunsets

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On Friday, January 7, after the sun had set and the FCC's doors were locked for the night, the agency released two decisions addressing complaints that a dozen TV stations did not provide sufficiently complete information about political advertising in their public inspection files during the 2016 Presidential campaign.

That sounds kind of like a "controversial" FCC decision, and we thought that the FCC was going to hold off on controversial decisions until after the Presidential Inauguration. To get around that unofficial moratorium, the Media Bureau Staff, rather than the full Commission, issued the two Orders, an approach used in a few other situations where the Wheeler FCC has wanted to get decisions out before he departed on January 20.

The political public file requirements are pretty detailed, and it's not always easy to pry some of the required information out of political sponsors, let alone get it all uploaded immediately into a station's online political public file. Complaints were filed during the campaign, often by public interest groups, attempting to expose the sources of money behind political advertising where the sponsor preferred to remain in the shadows.

The new decisions "clarify," to use the FCC's own word, that when a spot mentions more than one candidate, the political public file entry must mention *all* the candidates, not just the lead candidate. Where a spot addresses both candidacies and national legislative issues of public importance, both the candidates and the issues must be listed in the public file entry. But only issues that are both "political" and

of "national importance" need be listed – not issues of only local or regional importance.

A station is expected to be pro-active and look at the spot to see whether the sales order lists all the candidates and issues mentioned – not so easy to do in the few days prior to Election Day when spots are being delivered to the station only hours or maybe even minutes before they go on the air.

The public file must contain a list of the chief executive officers or members of the executive committee or board of directors of the purchaser of air time. Some ad agencies refused to provide that information and provided the name of only a single official of the sponsoring entity. The

FCC held that if a station has a reasonable basis for believing that the initial information is incomplete or incorrect, it must ask whether there are other persons who must be disclosed. However, importantly, the FCC held only that the station must ask the sponsor; the station is *not* required to reject a spot if it cannot get all the names from the sponsor and is not required to engage in independent research to try to find the information.

Some of the defending TV stations argued that national public interest groups do not have standing to file political complaints if they don't have members living in the local station's service area who watch the station. That's the standing test to petition to deny a license renewal; but the FCC said that it will not apply the renewal test to political complaints and will afford standing to national organizations, because of the importance of ensuring adequate

(Continued on page 8)





*Broadcasters and cable operators will be glad to see these remnants of the former requirement to keep paper copies of public inspection files go into the dustbin.*

## FCC About to Sweep Away Last Paper Public File Remnants

The FCC plans to vote on the last vestiges of the paper public file at its January open meeting on the 31<sup>st</sup> — a Report and Order resolving a May 2016 [proposal](#) to eliminate the requirement that commercial broadcast stations retain copies of letters and emails from the public concerning their station operation in their public inspection files. For cable operators, the R&O would eliminate the requirement that their public files include a list disclosing the location and designation of the system's principal headend.

This is the first open meeting under new FCC Chairman Ajit Pai.

The two to-be-dispatched rules [have been on the books for decades](#). Their contribution to the “public interest” has, as far as we can tell, been indiscernible.

The FCC first indicated [last January](#) it intended to eliminate the correspondence requirement, stating at the time “it’s hard to imagine anyone ever visiting a station solely for the thrill of reading its mail.” With the advent of the online public file, these are also the only documents broadcasters are still required to maintain in “hard copy,” significantly increasing the burden imposed by the requirement. And as to the cable headend disclosure rule, the Commission stated that “we do not believe that the general public has any need for or interest in this information.”

Broadcasters and cable operators will be glad to see these remnants of the former requirement to keep paper copies of public inspection files go into the dustbin; indeed, many broadcasters told the Commission that they consider it a safety risk to keep their offices and main studios open for members of the public on the chance that someone might want to see the file.



## More FCC Satellite Earth Stations Up for Renewal in 2017

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We take this opportunity to remind earth station licensees and registrants that the FCC's International Bureau does not issue notifications of license expiration dates, or reminders to file renewal applications. We expect to see more licenses up for renewal this year as compared to the last few years. So please take a moment to review your authorization and ensure that any needed renewal applications are timely filed (*i.e.*, **90 to 30 days prior** to the expiration of the license). Contact Fletcher, Heald & Hildreth with any questions.



*It seems likely that a Republican-majority Commission, now chaired by Commissioner Pai, would come to a different conclusion than the Bureau.*

## FCC's Media Bureau Reaffirms NCE Ownership Reporting Requirements, Angers GOP Commissioners

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The (seemingly never-ending) saga of the FCC's attempts to revise its biennial ownership reporting requirements for broadcasters has taken an interesting, and somewhat unexpected turn. As we have previously reported, the Media Bureau early last year adopted new requirements related to the FCC Registration Numbers (FRNs) and "Restricted Use FRNs" (RUFRNs) that interest holders would be required to obtain and list in those reports.

In May, a number of interested parties filed [Petitions for Reconsideration](#) of the requirements as they would apply to non-commercial licensees. Primarily, those parties raised concerns about the need for, propriety of, and practical difficulty of, obtaining and filing FRNs or RUFRNs for the members of non-commercial licensees' boards of directors (or boards of trustees). The Petitions raised questions about whether those members, who are often elected officials or other *ex officio* members, should be required to provide the Commission with the personally-identifiable information required to obtain an FRN or RUFRN. They also questioned whether the FRN requirements, as applied to such board members, would actually serve the Commission's goals.

The Media Bureau has released an [Order](#) denying those Petitions for Reconsideration, and upholding the new FRN requirements. While this normally might not be too surprising, the current political climate, as well as the procedural route the Bureau used to adopt the Order, make this a more interesting case.

The January 2016 decision for which reconsideration was requested had been adopted by the full Commission (rather than the Media Bureau), and, as a result, the full Commission would in the normal course be required to rule on the Petitions. In denying the Petitions at the Bureau level, however, the Media Bureau utilized a provi-

sion of the agency's rules that allows the Bureau to dismiss or deny petitions for reconsideration of full Commission actions if those petitions either rely on arguments the Commission already rejected in the proceeding, or fail to identify any "material error, omission, or reason warranting reconsideration."

Concluding that the Petitions in question did not satisfy these requirements, the Bureau denied them on delegated authority, rather than referring the matter for a vote by the full Commission. In doing so, the Bureau raised the ire of the Republican Commissioners Pai and O'Rielly. [Editor's note: This was before Pai was designated as FCC Chairman by new President Donald Trump.] Pai and O'Rielly, promptly issued a [Joint Statement](#) taking the Bureau to task for both the merits of its denial as well as the procedure by which it was adopted. As Pai and O'Rielly pointed out in their statement, due to the ongoing change in administrations, including the departure of Commissioner Rosenworcel and imminent departure of Chairman Wheeler, neither the Bureau's decision nor the underlying January 2016 Commission Order, are supported by a majority of the Commissioners. In addition, Commissioners Pai and O'Rielly criticized the Bureau for apparently failing to alert them in any way to their intent to issue the Order denying the petitions, a failure they find particularly troubling during a change in administration, and where Congress has requested that the Commission delay action on any "controversial" items. The Bureau's action drew a swift Congressional response as well, with House Communications and Technology Subcommittee Chair Marsha Blackburn (R-TN) introducing a bill to revoke the Commission's changes to the ownership reporting rules for non-commercial stations.

*(Continued on page 9)*



## FCC Needs Updated TV Contact Info. For Channel Reassignments

The FCC's Media Bureau and the Incentive Auction Task Force are (again!) reminding all television owners (including those participating in the broadcast incentive auction and those who may potentially be subject to repacking) to provide updated contact information for every station in your portfolio. Important information can reach those owners more quickly with a street address rather than a post office box, says the Bureau in a [Notice](#).

The Commission plans to use the information to contact owners about channel reassignments related to the repack. The Bureau and the Task Force anticipate sending channel assignment information "three to four weeks after the final stage rule is met in the forward auction and the Commission's systems have identified new post-auction channel assignments for all stations that will remain broadcasting."

The FCC will use overnight mail to communicate with stations that have provided a street address and regular mail for those that provided a PO Box number.



*It's Not "Super" — (Continued from page 1)*

Sure, we can all agree that the NFL's stance with regard to its marks may be (more than) a tad aggressive. But if you don't have the stomach for taking on a multi-billion dollar entity which has shown little regard about its public image

when it comes to this sort of thing (not to mention bigger things that actually matter to society like the best interests of its players and fans,) then you should probably proceed cautiously.

There. That's done.

And now, time for my annual prediction based on little to no real knowledge of football. Even though they surprised a lot of people, I'm sure, by shutting down a red-hot Green Bay Packers team that has just run off a series of nine straight, effectively must-win, games, I think the Falcons are going to be overmatched. Yes, I know that people have been sleeping on the Falcons all season and, in fact, it's probably Atlanta, not Green Bay, that was always the "hot" team and they can score at will. But we're talking about the New England Patriots here, a team that managed to win three of four at the beginning of the season even with their MVP-candidate quarterback suspended due to "Deflategate."

Speaking of which, maybe I'm being prejudiced by my desire to see what would be the most awkward post-game trophy award ever, as Roger Goodell has to shake the hands of Bill Belichick and Tom Brady, but you give Belichick two weeks to prepare for a game and he's gonna get it done.

New England 31 – Atlanta 27.





### LPTV Freezer —(Continued from page 2)

Pending applications for new digital companion stations that were filed before January 19, 2017, will continue to be processed and granted if they are found to comply with applicable requirements. Granted, but unbuilt, construction permits for new digital companion channels and displacement channel changes are not being cancelled and remain valid, although they will not be protected during the repack and so may become useless unless the hold-them when the anti-

ment application As it has with prior cast services, the that a freeze is only a

stantive action, so no tunity for comment is required. Of course, making the announcement without warning serves the purpose of avoiding a rush of applications that would likely have been filed if a warning had been given ahead of the effective date of the freeze.

We don't know for sure yet how long it will be before displaced LPTV stations are invited to apply to change channels; but until the FCC announces that opportunity, the ultimate effect of the new freeze is that all existing LPTV stations will be frozen on their existing channels until after the full power/Class A repack has been finalized.

*While this article refers to only LPTV stations, TV translators are subject to all the same rules and to the new freeze.*

ers are able to modify ipated LPTV displace-window is opened.

freezes in all the broad-FCC takes the position "procedural," not a sub-prior notice or oppor-



### Political Public File Requirements —(Continued from page 4)

political information disclosure.

It is clear that the FCC thought that the [TV stations](#) missed the boat quite often in keeping their political public files up to date, but the agency did not follow its enforcement pattern of the last few years of ring-

ter with a nasty tions. The worst [admonishment](#). decided that its not clear enough court if an appeal haps it did not reviewed by a

a Republican majority; or maybe it decided that all things considered, it is best to put the 2016 campaign to rest.

*The FCC held only that the station must ask the sponsor; the station is not required to reject a spot if it cannot get all the names from the sponsor and is not required to engage in independent research to try to find the information.*

ing its cash regis-fine for rule viola-sanction was an Maybe the FCC prior rulings were to stand up in was filed; or per-want the issues Commission with

In any case, the public file clarification requirements should help stations in future campaigns to understand how far they have to go on their own to obtain and to disclose sponsorship information and should also give stations ammunition to pressure political sponsors who refuse to provide information required by law.





## Why FCC's Media Bureau Approval of Increased Foreign Investment in Univision Should Interest You

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In a decision of interest to other broadcast owners, the FCC cleared the way on January 3rd for Televisa, a Mexican media conglomerate, to own a larger stake of U.S. Spanish-language broadcaster Univision (the Declaratory Ruling may be read [here](#)). The two companies jointly filed a Petition for Declaratory Ruling requesting that the agency permit foreign ownership of Univision above the FCC's 25 percent benchmark. Specifically, the ruling allows foreign investors to own up to 49 percent of Univision's equity and 49 percent of its voting interests, including up to 40 percent of its equity and voting interest to be held by Televisa and its affiliates.

The ruling fits the Commission's trend over the last few years of loosening its policy on foreign ownership of broadcast entities (you can read about that trend [here](#), [here](#), [here](#), and [here](#)). In this case, the Commission found that granting the companies' application serves the public interest because it will open the door to sources of capital not otherwise available for Univision and encourage reciprocity from foreign governments. The Commission also determined that granting the application "will further Univision's service to the Hispanic community and other minority communities and advance its empowerment initiatives." In addition, the companies' petition was unopposed, and no parties requested conditions be placed on the grant.

With changes to the FCC imminent from the new presidential administration, FHH will continue to closely monitor the Commission's policies on alien ownership.



### Reporting Requirements — (Continued from page 6)

In light of their substantive and procedural disagreements with the Order, Commissioners Pai and O'Rielly take the rather unusual step of asking that the decision be challenged, noting that the parties who petitioned for reconsideration may now file an Application for Review. Under Commission rules, essentially any Bureau decision taken under delegated authority may be challenged through an Application for Review, which requests review of the decision by the full Commission. Any Application for Review in this case would be due 30 days after the Order is published in the Federal Register, meaning the review would be considered by a Republican-majority Commission, one now chaired by Commissioner Pai. It seems likely that such a Commission would come to a different conclusion than the Bureau. As a result, the Bureau's recent Order would hardly seem to be the final word on this matter.

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*SoundExchange reports, payments due soon*

## Webcaster Wake Up Call!

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On February 2<sup>nd</sup> the groundhog best known as “Punxsutawney Phil” will be plucked from the comfort of his underground lair and ceremoniously asked to “predict” the end of winter. Of course, this tradition was memorably portrayed in the 1993 movie “[Groundhog Day](#)” in which Bill Murray’s Phil Connors relives a single day of his life until he finally gets things right and becomes the man we all knew he could be. He nearly goes insane but — Spoiler Alert! — ends up winning the heart of Andie McDowell’s Rita Hanson in the end.

I’m sure some webcasters feel like they’re living their own version of that movie as every year the SoundExchange clock resets to zero and the process of compliance begins again, with the first filings and payments due just before Groundhog Day. January 31 to be exact, unless that date falls on a weekend ([one thing you can be sure of: it’s going to be cold that day, unless you live in Miami Beach](#)).

January 31 is a weekday this year; that means webcasters are required to file an Annual Minimum Fee Statement of Account form and pay the annual minimum fee of \$500 per channel by January 31, 2017. ***This applies to ALL webcasters (commercial, noncommercial and noncommercial educational).*** And, as always, the compliance obligations don’t end there.

If that last paragraph looks familiar, it’s because it was taken almost verbatim from [last year’s “Webcaster Wake Up Call!”](#) And why not? This year is more “Groundhog Day” than ever, as there are only scant changes from 2016. In fact, for the first time in recent memory, the rates themselves don’t change (that’s because, unlike in the 5-year periods set by past Copyright Royalty Board decisions, the *Webcasting IV* decision only provides for annual rate adjustment each year based on any changes occurring in the cost of living as determined by the most recent Consumer Price Index – and no such change occurred from 2016 to 2017).

Compliance doesn’t stop on January 31, however. There are other obligations, which differ according to your classification as a “Commercial,” “Noncommercial,” or “Noncommercial Educational” webcaster and according to how many listeners tune in to your webcast transmissions. (If you are affiliated with National Public Radio, check with them for more information.) These obligations may include payment requirements as well as periodic reporting requirements regarding your sound recording “performances” (a “performance is one recording performed to one listener) and the identification of the specific sound recordings you are performing. If you are unclear or have questions about these obligations, you should consult an attorney for more information.

Hopefully, like Phil Connors, you will get the hang of it more quickly now that you’ve gone through this process a few times. If you’re really feeling comfortable, maybe this is the year that you try to use the “[Licensee Direct](#)” filing system (SoundExchange is trying to get more webcasters to use this system). Also note that SoundExchange will be quick to tell you that they can’t answer legal questions about your webcasting obligations. Please don’t hesitate to contact us if you have any questions.

And, finally, [watch out for Ned Ryerson!](#)

## Deadlines!



### January 30, 2017 –

*Equal Employment Opportunities (“EEO”) Recruitment Practices* – Comments are due with regard to a petition by two broadcasters which requests that the FCC modify its EEO policies applicable to broadcasters to allow broadcasters to rely on Internet recruitment sources, coupled with their on-air advertising, when conducting outreach for new job openings.

### February 1, 2017 –

*EEO Public File Reports* - All radio and television stations with five (5) or more full-time employees located in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, and Oklahoma must place EEO Public File Reports in their public inspection files. TV stations must upload the reports to the online public file. Radio stations in the top 50 markets and in an employment unit with five or more employees will have to place these reports in the new online public inspection file; all other radio stations may continue to place hard copies in the paper public file for the time being. For all stations with websites, the report must be posted there as well. Per announced FCC policy, the reporting period may end ten days before the report is due, and the reporting period for the next year will begin on the following day.

*EEO Mid-Term Reports* – All radio stations with eleven or more full-time employees in Kansas, Nebraska, or Oklahoma, and all television stations with five or more full-time employees in Arkansas, Louisiana, or Mississippi must electronically file a mid-term EEO report on FCC Form 397, with the last two EEO public file reports attached.

### February 3, 2017 –

*Quadrennial Regulatory Review* – Reply Comments are due with regard to three petitions for reconsideration of the August 25, 2016 Second Report and Order (FCC-16-107A1) concluding the Commission’s 2010 and 2014 Quadrennial Regulatory Reviews of broadcast ownership rules and deciding to retain the existing rules with some minor modifications.

### February 14, 2017 –

*Equal Employment Opportunities (“EEO”) Recruitment Practices* – Reply Comments are due with regard to a petition by two broadcasters which requests that the FCC modify its EEO policies applicable to broadcasters to allow broadcasters to rely on Internet recruitment sources, coupled with their on-air advertising, when conducting outreach for new job openings.

### April 1, 2017 –

*EEO Public File Reports* - All radio and television stations with five (5) or more full-time employees located in Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, and Texas must place EEO Public File Reports in their public inspection files. TV stations must upload the reports to the online public file. Radio stations in the top 50 markets and in an employment unit with five or more employees will have to place these reports in the new online public inspection file; all other radio stations may continue to place hard copies in the paper public file for the time being. For all stations with websites, the report must be posted there as well. Per announced FCC policy, the reporting period may end ten days before the report is due, and the reporting period for the next year will begin on the following day.

(Continued on page 12)



**Deadlines** — (Continued from page 11)

**EEO Mid-Term Reports** – All radio stations with eleven or more full-time employees in Texas, and all television stations with five or more full-time employees in Indiana, Kentucky, and Tennessee must electronically file a mid-term EEO report on FCC Form 397, with the last two EEO public file reports attached.



## **FHH - On the Job, On the Go**

On January 17, **Frank Montero** attended the U.S. Hispanic Chamber of Commerce reception for the Presidential Inauguration and on January 20, he was interviewed on KCSB(FM) News Radio in Santa Barbara, CA, about the FCC easing foreign ownership rules on TV and radio stations.

**Frank M.** moderated a panel discussion called *Financing the Broadcast Deal* at the Capital Assets Conference hosted by the NAB and the NAB Education Foundation in Washington, D.C. On January, 25, he attended the *Promotores Unidos* (association of Spanish music promoters) gala dinner in Las Vegas, *La Noche de Gala*.

On February 7, **Frank Montero** will present at the Multicultural Media, Telecom and Internet Council's Broadband and Social Justice Conference in Washington, DC.

**Kevin M. Goldberg** will preside over the National Press Foundation's Annual Awards Dinner on February 16. Goldberg will preside over the event as Chairman of that organization's Board of Directors. **Frank M.** and several other FHH attorneys will attend.

**Kathleen Victory** will go to the Armed Forces Communications & Electronics Association West Conference in San Diego on February 20-21. Later in the month, on February 26, she will teach a session on contract negotiation at the NAB Broadcast Leadership Training in Washington, D.C.

On the west coast, **Tom J. Dougherty** will attend the annual meeting of the National Educational Broadband Service Association in Tucson, AZ on February 20-22.

**Frank Jazzo** has been reappointed as Chairman of the Arlington County, VA Information Technology Advisory Commission. Both he and **Frank M.** plan to attend the NAB State Leadership Conference in Washington, D.C. from February 27-March 1.

**Karyn Ablin** will go to the National Religious Broadcasters Convention in Orlando from Feb. 27-Mar. 3.

