



# PUBLIC NOTICE

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## **MEDIA BUREAU REMINDS REMAINING ANALOG LOW POWER TELEVISION AND TELEVISION TRANSLATOR STATIONS WITHOUT DIGITAL CONSTRUCTION PERMITS TO FILE IMMEDIATELY IN ORDER TO ENSURE A SUCCESSFUL DIGITAL TRANSITION**

The Media Bureau (Bureau), by this Public Notice, reminds those remaining analog Low Power Television and TV Translator stations (LPTV/translator stations) that have not filed for a digital construction permit to construct a digital facility to do so immediately. Those analog LPTV/translator stations that fail to take immediate action will risk having their license automatically cancelled, by operation of law, after the **July 13, 2021** analog termination date.<sup>1</sup>

### **Remaining Analog LPTV/Translator Stations Without Digital Construction Permits**

The Bureau has posted a list of the remaining analog LPTV/translator stations that have not obtained a digital construction permit to transition to digital operations on its web page: [https://www.fcc.gov/sites/default/files/analog\\_stations\\_without\\_a\\_digital\\_permit.xlsx](https://www.fcc.gov/sites/default/files/analog_stations_without_a_digital_permit.xlsx).<sup>2</sup> We remind these stations that, after **11:59 p.m. local time on July 13, 2021**, they may no longer operate any facility in analog mode and all analog licenses shall automatically cancel at that time without any affirmative action by the Commission.<sup>3</sup> Analog LPTV/translator stations without a valid digital construction permit as of **11:59 p.m. local time on July 13, 2021**, will find that their analog license has been automatically cancelled and will have their call signs deleted.<sup>4</sup>

To avoid automatic cancellation of their station license, remaining analog LPTV/translator stations that do not have a digital construction permit should **immediately** file an application for one to ensure that they will be considered before the **July 13, 2021**, analog termination deadline. The Bureau recommends filing an application for on-channel digital conversion (“flash-cut”) wherever possible in order to expedite processing. Instructions for filing an application for digital construction permit are included in the Appendix.

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<sup>1</sup> See 47 CFR § 74.731(m).

<sup>2</sup> The list of stations on the Bureau website is current as of June 9, 2021 and may not reflect stations that were cancelled or filed for digital construction permits on or after that date.

<sup>3</sup> *Id.*

<sup>4</sup> Cancellation of the stations license and deletion of its call sign by Media Bureau staff in the Licensing and Management System (LMS) is an administrative function and does not constitute an official Commission action. The Commission has a long-established policy of the “single, unified station license” as part of the digital conversion process, see *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Report and Order, 26 FCC Rcd 10732, 10755, para. 48 (2011) citing *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd 19331, 19390, n. 362 (2004) (stating that the Commission has always been clear that the station’s two “authorizations” are part of a single, unified license) (emphasis added). Therefore, an analog LPTV/TV Translator station whose analog license is automatically cancelled after 11:59 pm local time on July 13, 2021 and does not have digital construction permit by that time, no longer has a license to modify.

### **Late-Filed Construction Permit Extension Applications**

All analog LPTV/translator stations receiving a digital construction permit, regardless of the date it is granted, are assigned a construction permit expiration date of **July 13, 2021**.<sup>5</sup> Any analog LPTV/translator station that finds that it will need additional time to complete its digital construction may submit an application for extension of its digital construction permit. Because the March 15, 2021 deadline for filing an extension of digital construction permit (CP extension filing deadline) has already passed,<sup>6</sup> stations will need to include a request for waiver of the CP extension filing deadline along with its request for extension.<sup>7</sup> We encourage such stations to submit their extension applications and filing deadline waivers as soon as possible to ensure that they will be considered before the **July 13, 2021** expiration of their digital construction permit. **The grant of an extension of time to complete construction of a station's digital facility will in no way extend the July 13, 2021, analog service termination date.**<sup>8</sup> Instructions for filing an extension application are included in the Appendix.

### **Requests For Silent Authority**

We remind licensees that a station may suspend operations for a period of not more than 30 days absent specific authority from the Commission.<sup>9</sup> Stations that remain silent for more than 10 days must notify the Commission not later than the tenth day of their suspended operations by filing a Suspension of Operations Notification via LMS as outlined in the Appendix.<sup>10</sup> Stations that need to remain silent for more than 30 days must file a Silent STA via LMS as outlined in the Appendix.

We also remind stations that the license of any station that remains silent for any consecutive 12-month period expires automatically at the end of that period, by operation of law, except that the Commission may extend or reinstate such station license if the holder of the license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity

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<sup>5</sup> See 47 CFR § 74.788(a). Absent grant of a construction permit extension or tolling, licensees with digital construction permits must complete construction of their facilities, begin operating, and file an application for license to cover. *Id.* Upon completion of construction an application for license to cover must be filed within 10 days. See 47 CFR § 73.1620(a)(1). Instructions for filing an application for license to cover are included in the Appendix. Failure to do so will result in the construction permit being automatically forfeited without any further affirmative cancellation by the Commission. See 47 CFR § 74.788(a).

<sup>6</sup> Pursuant to section 74.788(c)(3) of the Commission's rules, 47 CFR § 74.788(c)(3), transitioning LPTV/translator stations were afforded one last opportunity to seek an extension of their digital construction permits, of not more than 180 days. Applications for extension of digital construction permits were due March 15, 2021. See *Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date*, Public Notice, DA 21-260 (rel. Mar. 4, 2021).

<sup>7</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown). Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Network IP v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008).

<sup>8</sup> We also note that additional time to construct beyond the initial 180-day extension may be sought only pursuant to the Commission's "tolling" rule. The tolling rule provides that a construction permit deadline may be tolled only for specific circumstances not under the licensee's control, such as acts of God or delays due to administrative or judicial review. See 47 CFR § 73.3598(b). We note that the section 73.3598(b) tolling standard does not provide relief for financial hardship, except that paragraph (b)(2) would toll the construction deadline for a station that could not build because of a pending bankruptcy court action. See *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Third Report and Order and Order on Reconsideration, 24 FCC Rcd 3399, 3429, n.156 (2009). Stations may also seek a waiver of the tolling rule to receive additional time to construct in the case where "rare or exceptional circumstances" prevent construction, following the instructions for requesting tolling in Appendix. See *1998 Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, para. 42 (1999). Stations must electronically file tolling and tolling waiver requests via LMS, in accordance with the instructions in the Appendix.

<sup>9</sup> See 47 CFR §§ 73.1740(a)(4) and 74.763(b).

<sup>10</sup> *Id.*

and fairness.<sup>11</sup> Stations that need to extend and/or reinstate their license should do so as part of a Silent STA or if the station is operational by filing a Legal STA. Either may be filed via LMS as outlined in the Appendix.

### **Surrender/Cancellation of Analog Licenses**

Stations that choose not to convert to digital and instead intend to permanently discontinue operations must do so no later than **11:59 p.m. local time on July 13, 2021**. If a station is currently silent and does not intend to recommence analog operation prior to July 13, 2021, or plans to permanently discontinue operation prior to July 13, 2021, we encourage such stations to submit their station licenses for cancellation as soon as possible. Instructions for requesting cancellation of a station license are included in the Appendix. For all other analog LPTV/translator stations that choose not to convert to digital but continue to operate in analog until **11:59 p.m. local time on July 13, 2021**, their licenses will automatically cancel, by operation of law, and call signs will be deleted.<sup>12</sup>

### **Additional Information or Questions**

For additional information or questions, please contact Mark Colombo (technical questions), [Mark.Colombo@fcc.gov](mailto:Mark.Colombo@fcc.gov), (202) 418-7611, or Shaun Maher (legal questions), [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov), (202) 418-2324, of the Video Division, Media Bureau.

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<sup>11</sup> See 47 U.S.C. § 312(g). The Commission's rules also provide that the "license of . . . [a] TV translator or TV broadcast booster, or low power TV station will expire as a matter of law upon failure to transmit broadcast signals for any consecutive 12-month period notwithstanding any provision, term, or condition of the license to the contrary." 47 CFR § 74.15(f). See 47 CFR § 74.763(c). See also 47 CFR §§ 73.1020(c), 73.1615(c)(2), 73.1635(a)(4), 73.1740(c), 73.1750.

<sup>12</sup> See 47 CFR § 74.731(m) and *supra* note 4. We encourage stations that do not plan to convert to digital to notify the following Commission staff via e-mail: Mark Colombo at [Mark.Colombo@fcc.gov](mailto:Mark.Colombo@fcc.gov) and Shaun Maher at [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov).

**APPENDIX**  
**INSTRUCTIONS FOR ACCESSING AND FILING ON LMS**

**General Log-in Instructions**

Access the LMS applicant data entry home page here:

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

Login using the FRN associated with the station.

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

**Request to Cancel License**

1. Click on “Facility” tab on the left top of the page.
2. Click on facility ID of the station.
3. Click on “File an Application” button.
4. Select “Cancellation” from the drop-down menu.
5. Complete the application and click “Submit.”

**Engineering, Legal, and Silent STAs**

1. Click on “Facilities” tab on the left top of the page.
2. Click on Facility ID of the station.
3. Click on “File an Application” button.
4. Select “STA – engineering, legal or silent” from the drop-down menu.
5. Complete the application and click “Submit.”

**FCC Form 2100 – Schedule 337 – Application for Extension of Time**

1. Click on “Authorization” tab on the left top of the page.
2. Click on construction permit authorization.
3. Click on “File an Application” button.
4. Select “Extension of Construction Permit” from the drop-down menu.
5. Complete the application and click “Submit”

**FCC Form 2100 – Schedule Tolling – Application for Tolling or Waiver of Tolling Rule**

1. Click on “Authorizations” tab on the left top of the page.
2. Click on construction permit authorization.
3. Select “File an Application” button.
4. Select “Tolling” from the drop-down menu.
5. Complete the application and click “Submit.”

**FCC Form 2100 – Schedule C – Application for Minor Change to Licensed Facility**

1. Click on “Authorizations” tab on the left top of the page.
2. Click on license authorization.
3. Select “File an Application” button.
4. Select “Digital Flash Cut” or “Digital Companion” or “Displacement” from the drop-down menu.
5. Complete the application and click “Submit.”

**FCC Form 2100 – Schedule D – Application for License**

1. Click on “Authorizations” tab on the left top of the page.
2. Click on construction permit authorization.
3. Click on “File an Application” button.
4. Select “license to cover” from drop down menu.
5. Complete the application and click “Submit.”