

ALERT

Update: Annual DTV Ancillary/Supplementary Services Report for Commercial and Noncommercial Television Stations Due December 3, 2012

November 20, 2012

All commercial and noncommercial full power television stations, as well as, digital Class A, digital low power and digital translator television stations that are licensed or operating pursuant to Special Temporary Authority, must file Federal Communications Commission (FCC) Form 317 electronically by December 3, 2012, informing the FCC as to whether they have provided any ancillary or supplementary services on their digital spectrum during the 12-month period ending September 30, 2012. Ancillary or supplementary services generally are defined as any services provided on the station's digital spectrum other than free, over-the-air video broadcasts. For example, a video program stream broadcast on a multicast channel at no direct charge to viewers is not considered to be an ancillary or supplementary service; by contrast, if viewers must pay a subscription fee to receive the program stream, it is an ancillary and supplementary service. Other examples of ancillary or supplementary services include, but are not limited to, computer software distribution, data transmissions, aural messages, paging services and audio signals.

All full power television stations must submit the Form 317, including those that are not operating pursuant to a license (*i.e.*, those operating pursuant to Special Temporary Authority). Similarly, Digital Class A, digital LPTV and digital TV Translator stations that are licensed or operating pursuant to Special Temporary Authority must submit the Form 317. Please note: The requirement for low power,

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Class A and translator stations operating under STA to file Form 317 is new this year, and represents a change from our previous Alert.

A station must file Form 317 even if the station has not provided any ancillary or supplementary services on its digital spectrum. In the event that ancillary or supplementary services were provided, stations must report the gross revenue collected for such services, if any, and must submit a payment to the FCC in the amount of 5% of the gross revenue collected, along with a remittance form (Form 159).

If you have any questions or need assistance in filing Form 317, please contact either of the attorneys listed below or the Wiley Rein attorney who handles your station matters.