

The Auction Is Coming...Make Sure Your Station Is Protected

May 13, 2015

As the Federal Communications Commission (FCC or Commission) continues to move toward an Incentive Auction in early 2016, the Commission is reminding full power and Class A television stations that there are certain actions they should take to make sure their facilities are subject to protection in the repacking process or eligible for relinquishment in the auction.

All stations should pay careful attention to the May 29, 2015 Pre-Auction Licensing Deadline. Stations with pending construction permits for facilities subject to protection must license their permitted facilities (or have a license to cover on file) by this date in order for these facilities to be protected in the auction. Even stations that do not have pending construction permits should carefully review their authorizations to confirm that the Commission's records properly reflect the stations' operating parameters. Any errors should be addressed through a license modification application. Time is of the essence: the FCC will only protect a modified facility if the modification application is granted and the station has filed its license to cover application by the May 29 deadline.

The only exception to the Pre-Auction Licensing Deadline applies to stations affected by the destruction of the World Trade Center. Those stations may choose whether to protect their licensed facility at the Empire State Building or their proposed new facility at One World Trade Center, but they must file a letter with the Commission making their election by May 29, 2015.

Once the Pre-Auction Licensing Deadline has passed, the FCC will release an Eligibility Public Notice listing the facilities eligible for protection in the repacking and relinquishment in the auction based

Authors

Richard J. Bodorff
Senior Counsel
202.719.3145
rbodorff@wiley.law

John M. Burgett
Partner
202.719.4239
jburgett@wiley.law

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law

Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

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on information contained in the FCC's technical databases. Broadcasters will then have 30 days to submit a Pre-Auction Technical Certification Form (FCC Form 2100, Schedule 381) and either (i) certify that the underlying technical data for their station is correct; or (ii) identify any errors **by the Commission** (if the error is the fault of the broadcaster, it will be too late). The Form 2100 also asks broadcasters to provide certain detailed information about their technical facilities (e.g., transmitter make, model, and power; details about antenna, transmission line, and antenna support structure).

The FCC expects to issue the Eligibility Public Notice by mid-June 2015. We will issue another alert once the Eligibility Public Notice is released. In the meantime, broadcasters may want to review the Pre-Auction Technical Certification Form, available [here](#), to allow sufficient time to collect all the required information.

If you have any questions, or would like us to assist in a review of your FCC authorizations, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys listed below.