



PUBLIC NOTICE

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THE INCENTIVE AUCTION TASK FORCE AND MEDIA BUREAU ANNOUNCE PROCEDURES FOR LOW POWER TELEVISION, TELEVISION TRANSLATOR AND REPLACEMENT TRANSLATOR STATIONS DURING THE POST-INCENTIVE AUCTION TRANSITION

MB Docket No. 16-306
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I. INTRODUCTION

1. The Incentive Auction Task Force and Media Bureau (Bureau), in this Public Notice, provide guidance for low power television (LPTV), television translator (TV translator) and analog-to-digital replacement translator (DRT) stations (referred to collectively as “LPTV/translator stations”) regarding the post-auction transition period, which began on April 13, 2017, with the completion of the

broadcast television spectrum incentive auction (Auction 1000).¹ The purpose of this Public Notice is to summarize and clarify the rules and procedures governing the post-auction transition for LPTV/translator stations.

2. In the discussion below, we address: (1) the special filing window for operating LPTV/translator stations that are subject to displacement as a result of the incentive auction and repacking process, including the Bureau's release of data on channel availability in advance of the window;² (2) the displacement process for LPTV/translator stations;³ (3) LPTV and TV translator station channel sharing;⁴ (4) the procedures to apply for new digital-to-digital replacement translator stations (DTDRTs);⁵ (5) the final digital transition date for LPTV and TV translator stations;⁶ and (6) the lifting of the freeze on the filing of displacement applications and applications for digital companion channels.⁷ The Appendix includes instructions for filing in the Commission's Licensing and Management System (LMS).

II. BACKGROUND

3. Auction 1000 was conducted pursuant to Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).⁸ The incentive auction incorporated a repacking process to reorganize the broadcast television bands so that the full power and Class A television stations that remain on the air after the transition occupy a smaller portion of the ultra-high frequency (UHF) band, thereby clearing contiguous spectrum to be repurposed as the 600 MHz Band.⁹

4. On April 13, 2017, the Incentive Auction Task Force and the Media and Wireless Telecommunications Bureaus released the *Closing and Channel Reassignment Public Notice*, announcing the completion of the incentive auction and providing the results of the incentive auction and the repacking process, including the new channel assignments for full power and Class A television stations in the repacked TV band.¹⁰ The release of the *Closing and Channel Reassignment Public Notice* also

¹ See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, DA 17-314 (rel. April 13, 2017) (*Closing and Channel Reassignment Public Notice*). See also *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567 (2014) (*Incentive Auction R&O*), *aff'd*, *Nat'l Assoc. of Broadcasters, et al v. FCC*, 789 F.3d 165 (D.C. Cir. 2015); *Mako Communications, LLC v. FCC*, 835 F.3d 146 (D.C. Cir. 2016) (*Mako*); Second Order on Reconsideration, 30 FCC Rcd 6746 (2015) (*Second Reconsideration*); Third Report and Order and First Order on Reconsideration, 31 FCC Rcd 14927 (2015) (*Third Report and Order*); *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 30 FCC Rcd 12025 (2015) (*Commencing Operations R&O*). The Commission or Media Bureau may amend or supplement the information contained in its public notices at any time, so licensees and other entities also should continue to monitor public notices pertaining to the transition.

² See Section III, paras. 6-21.

³ See Section IV, paras. 22-29.

⁴ See Section V, para. 30.

⁵ See Section VI, paras. 31-35.

⁶ See Section VII, paras. 36-39.

⁷ See Section VIII, paras. 40-42.

⁸ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012). "The Act responds to the rapidly growing demand for mobile broadband services by granting the Federal Communications Commission authority to reallocate a portion of the licensed airwaves from television broadcasters to mobile broadband providers." *Mako*, 835 F.3d at 147.

⁹ *Incentive Auction R&O*, 29 FCC Rcd at 6617-80, paras. 109-257.

¹⁰ *Closing and Channel Reassignment Public Notice*, *supra* at n.1.

effectuated the 600 MHz Band Plan¹¹ and triggered the 39-month post-auction transition period that will conclude on July 13, 2020 (transition period).¹² Each full power and Class A station that will be moving to a new channel in the repacked TV band was assigned a transition phase and each phase was assigned a “testing period start date” and a “phase completion date.”¹³ The phase completion date will also be listed in each station’s construction permit as its construction deadline. Absent a waiver or grant of Special Temporary Authority (STA), the phase completion date will be the last day that a station may operate on its pre-auction channel.¹⁴

5. LPTV/translator stations were not eligible to participate in the incentive auction and were not protected in the repacking process.¹⁵ Accordingly, some LPTV/translator stations will be displaced as a result of the incentive auction and the repacking process. The Commission has adopted measures to help mitigate the impact of this displacement. For instance, displaced stations will have the opportunity to file a displacement application to move to another channel in the repacked TV band or to seek to channel share.¹⁶ The Commission also directed the Bureau to utilize software used in the incentive auction to help identify potential channel assignments for eligible LPTV and TV translator stations, and to issue a public notice providing such information not less than 60 days in advance of the filing window for LPTV/translator station displacement applications.¹⁷ In addition, the Commission allowed LPTV and TV translator stations to remain on their existing channels in the 600 MHz Band until they are notified of likely interference to a new 600 MHz Band licensee that is ready to commence operations or conduct its first field application (FFA) testing.¹⁸ This will enable stations to continue to operate on their current channels as long as possible and provide additional time to complete construction of their displacement facilities.¹⁹ Further, the Commission has extended the deadline for analog LPTV and TV translator stations to complete their transition to digital until July 13, 2021.²⁰

¹¹ See Section IV.

¹² 47 CFR § 27.4; see *Incentive Auction R&O*, 29 FCC Rcd at 6796, para. 559 and 6799-80, para. 568.

¹³ See *Incentive Auction Task Force and Media Bureau Adopt Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (MB 2017) (*Transition Scheduling Adoption Public Notice*); *Closing and Channel Reassignment Public Notice* at paras. 61-65.

¹⁴ *Id.*; 47 CFR § 73.3700(b)(4)(iii).

¹⁵ See *Incentive Auction R&O*, 29 FCC Rcd at 6672-73, para. 237 and 6716-17, para. 352.

¹⁶ See *Incentive Auction R&O*, 29 FCC Rcd at 6835-36, para. 659; see also *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14946 (2015) (*LPTV DTV Third R&O*). The Commission also allowed LPTV/translator stations with mutually exclusive applications (i.e., those that cannot be granted without causing interference to each other) to explore engineering solutions or agree on a settlement to resolve the mutual exclusivity, rather than being resolved through an auction. *Incentive Auction R&O*, 29 FCC Rcd at 6836-37, para. 661.

¹⁷ See *LPTV DTV Third R&O*, 30 FCC Rcd at 14946, para 41.

¹⁸ See *Incentive Auction R&O*, 29 FCC Rcd at 6841-2, paras. 668-71; *Commencing Operations R&O*, *supra* at n.1. See *Incentive Auction R&O*, 29 FCC Rcd at 6841-42, paras. 668-71; *id.* at 6840 n.1863 (“To the extent that 600 MHz Band licensees are commencing operations in areas of their geographic licenses where harmful interference from LPTV or TV translator stations would not be likely, these stations are not required to cease operations.”); see also *Commencing Operations R&O*, *supra* at n.1 (defining the term “commence operations” for purposes of the displacement notification process). LPTV/translator stations will be required to cease operations on the frequencies in the 600 MHz guard band and duplex gap no later than the end of the post-auction transition period. See *Incentive Auction R&O*, 29 FCC Rcd at 6841, para. 672.

¹⁹ See *Incentive Auction R&O*, 29 FCC Rcd at 6840, para. 670.

²⁰ See Section VII.

III. DISPLACEMENT PUBLIC NOTICE

6. As the Commission directed, the Media Bureau will announce a limited window (Special Displacement Window) for LPTV/translator stations subject to displacement as a result of the incentive auction and repacking process to submit displacement applications.²¹ The Special Displacement Window will be announced after full power and Class A television stations reassigned to new channels in the repacking process have had an opportunity to apply for their preferred facilities.²² This will ensure a stable database for eligible LPTV/translator stations to identify and apply for available channels. We anticipate the exact dates for the Special Displacement Window will be announced by public notice (Displacement Public Notice) approximately seven to eight months after release of the *Closing and Channel Reassignment Public Notice* on April 13, 2017.²³ The Displacement Public Notice will be released not less than 60 days prior to the opening of the Special Displacement Window. The Special Displacement Window will remain open for 30 days.²⁴

A. Channel Study

7. The Displacement Public Notice will provide channel availability data to assist eligible LPTV/TV translator stations in identifying potential new channels in the repacked TV bands, consistent with the Commission's direction in the *LPTV DTV Third R&O*.²⁵ Specifically, the data will identify locations and channels where LPTV/translator stations *cannot* propose displacement facilities because of the presence of other non-displaced LPTV/translator stations, full power and Class A television stations or land mobile operations.²⁶ The data will be based on use of the incentive auction software nationwide and the full power and Class A television station technical parameters in the *Closing and Channel Reassignment Public Notice*, as well as any full power and Class A television modifications proposed in the two alternate channel/expanded facilities filing windows.²⁷ The data will be provided on the same 2x2 kilometer basis as utilized in "TVStudy," the repacking software used in connection with the

²¹ *Incentive Auction R&O*, 29 FCC Rcd at 6835-36, para. 659.

²² See *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 863-64, para. 16 (MB 2017) (*Transition Procedures Public Notice*); *Incentive Auction R&O*, 29 FCC Rcd at 6793-94, paras. 553-54 (providing for two filing windows for stations reassigned to new channels in the repacking process to propose alternate channels and expanded facilities).

²³ This approximate time frame was calculated based on the release date of the *Closing and Channel Reassignment Public Notice* on April 13, 2017, the completion of the 90-day initial filing window, and the completion of the two 30-day alternate channels/expanded facilities windows. The Displacement Public Notice will be released after all of these transition events.

²⁴ *LPTV DTV Third R&O*, 30 FCC Rcd at 14946, para. 41.

²⁵ *Id.* at 14946, para. 40. The Commission concluded that "use of the repacking and optimization software for this purpose will expedite and ease the post-auction transition and help many low power stations find new channel homes." *Id.* Providing this data after the filing windows for full power and Class A stations that are reassigned to new channels in the repacking process will ensure a stable database for displaced stations. With the release of the *Closing and Channel Reassignment Public Notice*, however, LPTV/translator stations can independently start analyzing potential displacement and alternative channel availability.

²⁶ See 47 CFR § 74.709.

²⁷ This data will reflect the baseline and subsequently modified full power and Class A television coverage of stations up to the point in time that it is generated, after the first two full power and Class A alternate channel/expanded facilities filing windows. It will also reflect coverage of non-displaced LPTV/translator stations. The data will not, however, include coverage of any displaced LPTV/translator stations. We further note that the data will not and cannot show interference predictions to full power, Class A, or other LPTV/translator stations, as such predictions would depend on the specific technical parameters of each LPTV/translator station. Technical showings will be required to demonstrate that LPTV/translator station displacement applications are predicted to cause less than the amount of interference prescribed in our rules to other TV stations, including other LPTV/translator stations.

incentive auction.²⁸ While LPTV/translator stations applying for displacement channels will still be required to show that their proposals would not cause impermissible interference to other full power, Class A and LPTV/translator stations,²⁹ identification of the locations and channels where eligible LPTV/translator stations cannot propose to operate will facilitate the LPTV/translator displacement application process by providing critical information on where applicants can do so.³⁰ Stations are encouraged to use this information to help identify available channels and to use *TVStudy* to verify that the displacement facilities they propose will satisfy station needs while not creating harmful interference. Once a channel is identified, stations are encouraged to file for it during the Special Displacement Window.

B. Eligibility to File in Special Displacement Window

8. To be eligible to file in the Special Displacement Window, an LPTV/translator station must be both “operating” and “displaced.”³¹ “Operating” LPTV/translator stations are those that had licensed their authorized construction permit facilities or had an application for a license to cover on file with the Commission on April 13, 2017 - the release date of the *Closing and Channel Reassignment Public Notice*.³² In order to be “displaced” for purposes of filing in the Special Displacement Window, an LPTV/translator station must: (1) be subject to displacement by a full power or Class A television station on the repacked television band (channels 2-36) as a result of the incentive auction and repacking process,³³ (2) be licensed on frequencies repurposed for new, flexible use by a 600 MHz Band wireless licensee, or (3) be licensed on frequencies that will serve as part of the 600 MHz Band guard bands (which includes the duplex gap).³⁴

C. Application Filing Procedures

9. Eligible stations may file a displacement application on FCC Form 2100 – Schedule C by following the instructions in Appendix A. Displacement applications will be treated as a “minor change.”³⁵ There is no fee for filing a displacement application.

²⁸ The latest version of the Commission’s *TVStudy* software is available at <https://www.fcc.gov/oet/tvstudy>. The version of *TVStudy* used during the incentive auction, Version 1.3.2 (Patched), remains available on the Commission’s LEARN website at <http://data.fcc.gov/download/incentive-auctions/OET-69/>.

²⁹ See 47 CFR §§ 74.793(e)-(h) that define the levels of protection to the authorized facilities of full power, Class A, LPTV and TV translator stations.

³⁰ LPTV/translator stations have more flexibility to propose facilities than full power or Class A stations due to their ability to move transmitter site locations over large distances (up to 30 miles) and the lack of a requirement to replicate coverage areas. See Section III. D. In addition, although they may not cause harmful interference to other TV stations, LPTV/translator stations may choose to accept interference from other stations. Accordingly, the specific channels available to LPTV/translator stations during the Special Displacement Window, and the predicted interference caused by the proposed facilities, depends on the choices of individual applicants and cannot be known in advance of the Window.

³¹ See 47 CFR § 73.3700(g)(1); *Incentive Auction R&O*, 29 FCC Rcd at 6836, para. 659.

³² See *Media Bureau Announces Date By Which LPTV and TV Translator Stations Must Be “Operating” In Order To Participate In Post-Incentive Auction Special Displacement Window*, Public Notice, 31 FCC Rcd 5383 (MB 2016) (*Operating Public Notice*).

³³ With respect to the TV bands, the Commission’s rules define displacement as an analog LPTV or TV translator station being “predicted to cause or receive interference to or from an authorized TV broadcast station,” or a “digital low power television or television translator station . . . causing or receiving interference or [being] predicted to cause or receive interference to or from an authorized TV broadcast station, DTV station or allotment or other protected station or service” See 47 CFR § 73.3572(a)(4) (analog) and 74.787(a)(4) (digital).

³⁴ See 47 CFR § 73.3700(g)(1); *Incentive Auction R&O*, 29 FCC Rcd at 6836, para. 659.

³⁵ See 47 CFR §§ 73.3572(a)(4), 74.787(a)(4).

D. Limits on Modification

10. During the Special Displacement Window, all of the requirements of the current displacement rules will continue to apply (e.g., required interference showing and limits on transmitter moves) except for the requirement that displacement applications be submitted only after the primary station obtains a construction permit or license.³⁶ Eligible digital stations may propose a change in transmitter site of not more than 48 kilometers from the reference coordinates of the existing station's community of license.³⁷ Eligible analog stations may propose a change in antenna location of not more than 16.1 kilometers.³⁸

11. In addition, eligible stations may apply only for a channel that remains allocated to broadcast television service (i.e., channels 2-36),³⁹ and not for channels that have been repurposed for the new, flexible 600 MHz Band wireless services or reserved for the 600 MHz guard band and duplex gap (i.e., former television channels 38-51).⁴⁰ In their displacement applications, stations will be required to demonstrate that they would not cause interference to the predicted service of: (1) all other primary users in the repacked TV Band or in adjacent bands including land mobile operations,⁴¹ (2) licenses and valid construction permits for LPTV/translator stations; (3) licenses and valid construction permits for full power and Class A stations that were not reassigned; (4) the post-auction channels of reassigned full power and Class A stations as reflected in the *Closing and Reassignment Public Notice*, and (5) the alternative channels and expanded facilities proposed during the two filing windows by reassigned full power and Class A stations.⁴²

12. So that as many potential channels as possible are available for operating LPTV/translator stations that are subject to displacement, we will permit stations to file displacement applications proposing pre-auction channels in the repacked television band (channels 2-36) that full power and Class A stations will relinquish as a result of the incentive auction and repacking process. This includes channels being voluntarily relinquished by relinquishment stations, channel sharee stations, and band changing stations as well as the pre-auction channels of stations assigned to a new channel as a result of the incentive auction and repacking process. Ordinarily, such applications would be prohibited by the contingent application rule until such channels are actually vacated.⁴³ We expect to look

³⁶ *Incentive Auction R&O*, 29 FCC Rcd at 6835 n.1833; see 47 CFR §§ 73.3572(a)(4) and 74.787(a)(4).

³⁷ See 47 CFR §§ 76.53 (reference points list) and 74.787(a)(4) (digital displacement).

³⁸ See 47 CFR § 73.3572(a)(4)(i) (analog displacement).

³⁹ Although channel 37 is one of the "television channels" identified in the Commission's rules, it is "reserved exclusively" for the radio astronomy service (RAS) as well as for the wireless medical telemetry service (WMTS). See 47 CFR § 73.603(a), (c).

⁴⁰ We note that the Commission in 2015 sought comment on whether to preserve a vacant television channel for use by unlicensed white space devices and wireless microphones in all areas of the country. See *In the Matter of Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones*, MB Docket No. 15-146, Notice of Proposed Rulemaking, 30 FCC Rcd 6711 (2015).

⁴¹ 47 CFR § 74.709.

⁴² See 47 CFR § 73.3700(g)(2); *Incentive Auction R&O*, 29 FCC Rcd at 6836 n.1836. If an application filed during either of the two alternate channel/expanded facilities filing windows is granted and supersedes the full power or Class A station's facility as listed in the *Closing and Channel Reassignment Public Notice*, then an LPTV/translator station filing an application in the Special Displacement Window need only demonstrate that it will not cause interference to the facility authorized in the granted window application.

⁴³ See 47 CFR § 73.3517.; *Savannah College of Art and Design*, Memorandum Opinion and Order, 18 FCC Rcd 26345, 26350 (2003) ("The reason for the rule against contingent applications is that it avoids burdening the Commission's resources with applications that cannot be processed until the applicable contingencies are resolved, which may never occur.") (citing *Contingent Applications in the Broadcast Services*, Report and Order, 22 RR 299

favorably, however, upon requests to waive the contingent application rule filed by operating LPTV/translator stations that are subject to displacement if the station can demonstrate that the requested channel is necessary to allow the station to continue to serve its current viewers. In addition, in order to comply with Section 73.3700(g)(2), the station must agree to a condition that it will not begin transmitting on the requested channel prior to discontinuation of operation by the full power or Class A station that is licensed to use that channel.⁴⁴ If the conditional grant requires an LPTV/translator station to be silent for a consecutive 12-month period prior to discontinuation of operation by the full power or Class A station, we will consider a request for extension or reinstatement pursuant to Section 312(g) of the Act and a request for waiver of the applicable Commission rule.⁴⁵

13. Some LPTV/translator stations on channels in the repacked television band (channels 2-36) that would otherwise qualify as displaced stations may be able to avoid displacement by making minor changes to their existing facilities that bring those facilities into compliance with the interference rules. For example, an LPTV/translator station that will cause interference to a full power or Class A television station post-repack may make a minor change in power, antenna height or location that would eliminate such interference and allow the LPTV/translator station to continue broadcasting on its channel. **LPTV/translator stations are encouraged to file such minor change applications as soon as possible.** To create a stable database for stations filing in the Special Displacement Window, approximately 30 days before the release of the Displacement Public Notice (which itself will be released no later than 60 days before the Special Displacement Window opens), we will issue a public notice freezing the filing of minor change applications by LPTV/translator stations. The freeze will be lifted upon the issuance of a later public notice after completion of the Special Displacement Window.

E. Mutual Exclusivity and Priority for Displaced DRTs and DTDRT Applications

14. All displacement applications submitted during the window will be considered filed on the last day of the window and will be processed in accordance with the existing rules.⁴⁶ Consistent with the Commission having found that doing so would serve the public interest, applicants will be given an opportunity to resolve their mutual exclusivity through settlement or engineering amendment that may be submitted during a settlement window to be announced by the Media Bureau by separate public notice.⁴⁷

15. Should submitted applications remain mutually exclusive after the close of the settlement window, any application filed by a displaced analog-to-digital replacement translator (DRT) and any application for a new digital-to-digital replacement translator (DTDRT) will have priority over any application by a displaced LPTV and TV translator station.⁴⁸ DRT displacement applications and

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(1961); *Amendment of Sections 1.517 and 1.520 of the Commission's Rules, Report and Order*, 61 F.C.C. 2d 238 (1976)), *affirmed sub nom. Savannah College of Art and Design v. FCC*, 115 Fed. Appx. 444 (D.C. Cir. 2004) (unpublished).

⁴⁴ See 47 CFR 73.3700(g)(2) (requiring a displaced LPTV/translator station to demonstrate that its proposed operations on the requested channel “would not cause interference to the predicted service of broadcast television stations on . . . pre-auction channels”). Displaced stations that do *not* seek to operate on a pre-auction channel relinquished by a full power or Class A station and otherwise comply with our rules can begin operating at any time following the grant of the construction permit for their displacement facilities. See *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 925-26, para. 72.

⁴⁵ See *infra* Section III. G.

⁴⁶ *Incentive Auction R&O*, 29 FCC Rcd at 6836 n.1837 citing 47 CFR §§ 73.3572(a)(4) and 74.787(a)(4).

⁴⁷ 47 CFR § 73.3700(g)(3); *Incentive Auction R&O*, 29 FCC Rcd at 6836-37, para. 661. The Communications Act provides that the Commission shall use engineering solutions, negotiation, threshold qualifications, and other means to avoid mutual exclusivity where the Commission determines that doing so would serve the public interest. See 47 U.S.C. § 309(j)(6)(E).

⁴⁸ 47 CFR § 73.3700(g)(3); 47 CFR § 74.787(a)(5)(iii); *Incentive Auction R&O*, 29 FCC Rcd at 6837, para. 661.

DTDRT applications have co-equal processing priority.⁴⁹ Unless mutually exclusive with a co-equal application, a DRT displacement application or DTDRT application will be processed and, if granted, any pending LPTV and TV translator displacement application that is mutually exclusive with the granted application will be dismissed.⁵⁰

16. If two or more DRT and DTDRT applications remain mutually exclusive with one another after the close of the settlement window, the applications will be subject to the Commission's competitive bidding rules.⁵¹ Likewise, if two or more LPTV or TV translator applications are not subject to a priority application by a displaced DRT or for a new DTDRT and remain mutually exclusive after the close of the settlement window, the applications will be subject to the Commission's competitive bidding rules.⁵²

F. Construction Period, Extension of Time, and Tolling

17. Displaced LPTV/translator stations may be analog or digital and different construction periods apply to each type. A displaced LPTV/translator station operating in digital will have three years to construct its displacement facility.⁵³ A displaced LPTV/translator station operating in analog is not subject to the three-year construction period. Rather, displaced analog stations are subject to the digital transition deadline of July 13, 2021 adopted in the *LPTV DTV Third Report and Order*.⁵⁴ No later than this date, the displaced analog station must begin operating a digital facility or go silent.⁵⁵ Upon completion of construction and initiation of service on their new channel, stations are required to submit an application for license by electronically filing FCC Form 2100 – Schedule F on LMS within 10 days,⁵⁶ following the instructions in Appendix A.

18. Until March 13, 2021, any displaced LPTV/translator station (either analog or digital) that is unable to complete construction of its displacement facility by its deadline may seek an extension of time to construct of up to 180 days.⁵⁷ Stations anticipating the need for an extension must submit an extension application electronically via LMS on FCC Form 2100 – Schedule 337 following the instructions in Appendix A. An application for extension of time to construct must include an exhibit demonstrating that failure to meet the construction deadline is due to circumstances that are either

⁴⁹ See 47 CFR § 74.787(a)(5)(iii); *LPTV DTV Third R&O*, 30 FCC Rcd at 14960, para. 71 (“All applications for new DTDRTs and displacement applications for existing DRTs filed during the post-auction displacement window will be considered filed on the last day of the window, will have priority over all other displacement applications filed during the window by LPTV and TV translator stations, and will be considered co-equal if mutually exclusive.”).

⁵⁰ 47 CFR § 73.3700(g)(3); 47 CFR § 74.787(a)(5)(iii); *Incentive Auction R&O*, 29 FCC Rcd at 6837, para. 661.

⁵¹ Consistent with Section 309(j) of the Communications Act, our rules require resolution of mutual exclusivity through competitive bidding. See 47 C.F.R. § 73.5000, et seq.

⁵² *Id.*

⁵³ See 47 CFR § 73.3598(b); *LPTV DTV Third R&O*, 30 FCC Rcd at 14931 n.17.

⁵⁴ See 47 CFR § 74.731(m); *LPTV DTV Third R&O*, 30 FCC Rcd at 14932-33, para. 9. In that decision, the Commission extended the LPTV/translator station digital transition date until 12 months following the completion of the 39-month post-incentive auction transition period (or 51 months from the completion of the incentive auction and the release of the *Closing and Channel Reassignment Public Notice*). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the new LPTV/translator station digital transition date is July 13, 2021.

⁵⁵ If a displaced analog LPTV/translator station is granted a construction permit for an analog displacement facility, it must nonetheless cease transmitting in analog no later than the new digital transition date – July 13, 2021. Analog stations transitioning to digital must provide notification to viewers of their planned transition. See *infra* Section VII.

⁵⁶ See 47 CFR § 73.1620(a)(1).

⁵⁷ See 47 CFR § 74.788(c).

unforeseeable or beyond the licensee's control and that the licensee has taken all reasonable steps to resolve the problem expeditiously.⁵⁸ Such circumstances include, but are not limited to: (1) delays in obtaining zoning or other approvals, or similar constraints; (2) inability to obtain equipment; or (3) financial hardship.⁵⁹ The grant of an extension of time to complete construction on a new channel will in no way extend the deadline by which a station must terminate operations on its displaced channel.

19. After March 13, 2021, additional time to construct may be sought only pursuant to the Commission's "tolling" rule.⁶⁰ 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.⁶¹ Stations must electronically file tolling requests via LMS, in accordance with the instructions in Appendix A. 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 A.⁶² With respect to tolling waivers, we expect to look favorably upon requests where a displaced station can demonstrate that it is unable to construct due to circumstances resulting directly from the post-auction transition, such as the inability to procure necessary resources because resources are unavailable due to the full-power and Class A post-auction transition.

G. Silent Authority

20. If a station must go silent on its licensed channel prior to completing construction on its displacement channel, it may file a request for silent authority. We remind stations that a station may suspend operations for a period of not more than 30 days absent specific authority from the Commission.⁶³ 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 Appendix A.⁶⁴ Stations that need to remain silent for more than 30 days must file a Silent STA via LMS as outlined in Appendix A. There is no fee for this filing.

21. 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 and fairness.⁶⁵

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See *LPTV DTV Third R&O*, 30 FCC Rcd at 14934, para. 13.

⁶¹ 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).

⁶² See *1998 Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, para. 42 (1999).

⁶³ See 47 CFR §§ 73.1740(a)(4) and 74.763(b).

⁶⁴ *Id.*

⁶⁵ 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.

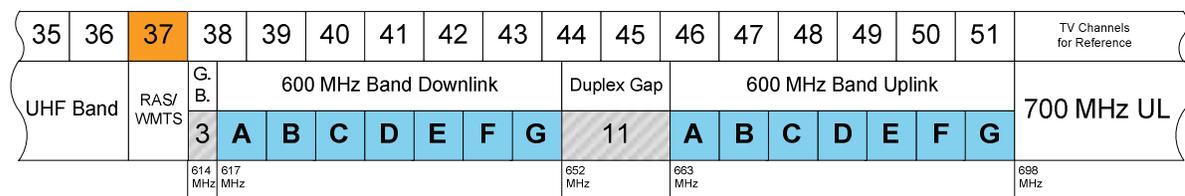
IV. DISPLACEMENT PROCEDURES

22. Following the initiation of service by a repacked full power or Class A television station or receipt of notice of likely interference to a new 600 MHz Band wireless licensee, LPTV/translator stations must immediately eliminate the likelihood of interference or discontinue operations.⁶⁶ In addition, LPTV and TV translator stations must cease operations on the 600 MHz guard band and duplex gap no later than the end of the transition period (July 13, 2020).⁶⁷ In this section, we outline the displacement procedures for LPTV/translator stations.

A. Stations on Channels 38-51

23. The repurposed spectrum associated with the 600 MHz Band Plan affects LPTV/TV translator stations operating on television channels 38-51 (614-698 MHz). The 600 MHz Band Plan is indicated in the table below. The 600 MHz Band Plan is comprised of an uplink band (663-698 MHz) and a downlink band (617-652 MHz) for the 600 MHz Band wireless service (the 600 MHz Band), a duplex gap (652-663 MHz) between these bands (the 600 MHz duplex gap), and a guard band (614-617 MHz) between the downlink band and channel 37 (the 600 MHz guard band).⁶⁸ The various television channels that correspond to the 600 MHz Band wireless service (blocks A-G in the 617-652 MHz / 663-698 MHz band), the 600 MHz guard band, and the 600 MHz duplex gap are illustrated below.

Figure 1: 600 MHz Band Plan⁶⁹



24. In the *Incentive Auction R&O*, the Commission established a process under which LPTV/translator stations may continue operating on channels that were reallocated for use by 600 MHz Band wireless licensees unless the stations are notified in advance by a 600 MHz Band wireless licensee of likely interference with its operations in areas where it intends to commence operations.⁷⁰ In addition, the Commission required that LPTV/TV translator stations must cease operations on the 600 MHz guard band and the duplex gap no later than the end of the transition period.⁷¹

⁶⁶ See *Incentive Auction R&O*, 29 FCC Rcd at 6839-41, paras. 668-71; see also 47 CFR §§ 74.704(b) and 73.3700(g)(4).

⁶⁷ *Incentive Auction R&O*, 29 FCC Rcd at 6841, para. 672.

⁶⁸ *Id.* at 7021-22, paras. 128-29.

⁶⁹ The lettered squares in the chart represent the paired wireless blocks that will be licensed, while the sequentially numbered squares (35 through 51) represent television (TV) channels. The rectangles labeled 3 and 11 are the guard band and duplex gap, with the numbers representing their respective sizes in megahertz. See *Closing and Channel Reassignment Public Notice* at 8, para. 15.

⁷⁰ See 47 CFR § 73.3700(g)(4); *Incentive Auction R&O*, 29 FCC Rcd at 6839-40, paras. 668-70. The wireless licensee must determine the likelihood of interference by applying the Commission's interservice interference (ISIX) methodology. See *id.* at n.1862; see *Second Report and Order*, 30 FCC Rcd at 55221, Appx. A paras. 8-14 (2014). In the subsequently released *Commencing Operations R&O*, the Commission defined "commencing operations" and also provided for displacement on notice of likely interference with a 600 MHz Band licensee's first field application (FFA) testing. See *Commencing Operations R&O*, 30 FCC Rcd at 12028, para. 7. Appx. A paras. 8-14 (2014).

⁷¹ *Incentive Auction R&O*, 29 FCC Rcd at 6841, para. 672.

25. *Continued Operation Permitted in the 600 MHz Band for Wireless Services Until Wireless Licensees Commence Operations or Conduct FFA Testing.* Subject to the advance notification requirements below, LPTV/translator stations on channels that overlap with the 600 MHz Band (617-652 MHz / 663-698 MHz) may continue operating until a 600 MHz Band wireless licensee commences operations (as defined below) or conducts FFA testing in an area where a station operates.⁷² As illustrated above, the 600 MHz Band for wireless services overlaps with frequencies associated with television channels 38-51, except channel 45.⁷³ The obligation to cease operations or eliminate the likelihood of harmful interference will apply even if the LPTV/translator station has yet to receive a displacement construction permit.⁷⁴ To the extent that a 600 MHz wireless licensee commences operations or conducts FFA testing in an area of its geographic license where harmful interference from LPTV/translator stations would not be likely, these stations may continue to operate.⁷⁵

26. As discussed in the *Commencing Operations R&O*, “commencing operations” is defined as the time when a 600 MHz Band wireless licensee conducts site commissioning tests.⁷⁶ In this context, “site commissioning tests” include site activation and commissioning tests using permanent base station equipment, antennas and/or tower locations as part of wireless licensee’s site and system optimization in the area of its planned commercial service infrastructure deployment.⁷⁷ The Commission provided for a limited exception to permit 600 MHz Band wireless licensees to undertake FFA testing (which occurs prior to site commissioning tests) on their licensed 600 MHz Band frequencies in limited areas, free from potential interference from secondary and unlicensed users, because such testing will speed deployment of the 600 MHz Band.⁷⁸

27. The 600 MHz wireless licensee must provide notice to the LPTV/translator station of its intent to commence operations and the likelihood of receiving harmful interference from the station in the form of a letter, by certified mail, return receipt requested.⁷⁹ The notice must indicate the date that the 600 MHz Band licensee intends to commence operations or conduct FFA testing, and must be delivered to the LPTV/translator station not less than 120 days in advance of that date.⁸⁰

28. *Operations in the 600 MHz Guard Band and Duplex Gap.* LPTV/TV translator stations must cease operations on the 600 MHz guard band (614-617 MHz) and the 600 MHz duplex gap (652-663 MHz) no later the end of the transition period (July 13, 2020).⁸¹ The 600 MHz guard band at 614-617 MHz overlaps with a portion of television channel 38, and the 600 MHz duplex gap at 652-663 MHz overlaps with all of television channel 45 and portions of channels 44 and 46. LPTV/TV translator stations may need to cease operations on these channels earlier than the end of the transition period to the extent that the station operations on specific frequencies associated with these channels are likely to cause harmful interference to 600 MHz Band wireless licensees that commence operations or conduct FFA testing, subject to the advance notification requirements summarized above.

⁷² *Id.* at 6840, para. 670.

⁷³ More specifically, the 600 MHz Band corresponds with all of channels 39-43 and 47-51, and portions of channels 38, 44, and 46.

⁷⁴ *Incentive Auction R&O*, 29 FCC Rcd at 6840, para. 669.

⁷⁵ *Id.* at 6840 n.1863.

⁷⁶ *See Commencing Operations R&O*, 30 FCC Rcd at 12028, para. 7.

⁷⁷ *Id.*

⁷⁸ *Id.* at 12034-35, paras. 18 and 20.

⁷⁹ 47 CFR § 73.3700(g)(4); *see Incentive Auction R&O*, 29 FCC Rcd at 6840, para. 669.

⁸⁰ *Incentive Auction R&O*, 29 FCC Rcd at 6840, para. 669.

⁸¹ *Id.* at 6841, para. 672.

B. Stations on Channels 2-36

29. LPTV/translator stations on channels 2-36 displaced by full power and Class A television stations as a result of the incentive auction and repacking process must eliminate the actual or predicted harmful interference or discontinue operations upon initiation of service by the displacing full power or Class A television station on its new channel.⁸²

V. CHANNEL SHARING

30. In the *LPTV DTV Third R&O*, the Commission adopted rules to permit channel sharing between LPTV and TV translator stations.⁸³ In the event that the incentive auction and repacking process causes either (1) the sharer station to be subject to displacement or (2) both the sharer and the sharee⁸⁴ stations to be subject to displacement, the applicable station(s) must file FCC Form 2100 Schedule C - application for a construction permit – specifying the identical technical facilities during the Special Displacement Window described in Section III proposing to share the channel, including a copy of the channel sharing agreement as an exhibit. If only a potential sharee's station is subject to displacement as a result of the incentive auction and repacking process, the potential sharee station may file an application to propose sharing the sharer's non-displaced facilities at any time after April 13, 2017 and is not limited to filing during the Special Displacement Window.⁸⁵ Channel sharing stations will have three years to implement their shared facilities and may avail themselves of the extension and tolling provisions outlined in Section III.F.⁸⁶

VI. NEW DIGITAL-TO-DIGITAL REPLACEMENT TRANSLATORS

31. In the *LPTV DTV Third R&O*, the Commission established a new digital-to-digital replacement translator (DTDRT) service to allow eligible full power television stations to recover lost digital service area that could result from the repacking process.⁸⁷ The Commission concluded that full power stations may begin to file for DTDRTs beginning with the opening of the Special Displacement Window outlined in Section III and ending one year after completion of the incentive auction transition period.⁸⁸ Accordingly, DTDRT applications must be filed by July 13, 2021. This section

⁸² See *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Rcd 14588, 14654, para. 142 (1998) (“LPTV and TV translator stations will be able to continue to operate until a displacing DTV station . . . is operational and would receive interference from the low power TV or TV translator station.”); 47 CFR § 74.703(b). Because full power and LPTV/translator stations follow informal notification procedures with respect to interference and displacement, the Commission declined to adopt notification requirements for these situations. *Incentive Auction R&O*, 29 FCC Rcd at 6840 n.1866. In this context “initiation of service” includes operation by the full-power or Class A station after the testing period start date for that station. See *Closing and Channel Reassignment Public Notice* at para. 64.

⁸³ See *LPTV DTV Third R&O*, 30 FCC Rcd at 14937, para. 20. We note that on March 23, 2017, the Commission adopted rules to allow channel sharing outside of the auction between primary (full power and Class A) and secondary (LPTV and TV translator) stations. See *Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, MB Docket 15-137, Report and Order, FCC 17-29 (rel. Mar. 24, 2017). Authority to apply to channel share under these newly-adopted rules will commence upon a date specified by the Media Bureau in a Public Notice issued after the approval of the new rules and form changes by the Office of Management and Budget (OMB). *Id.* at para. 35 n. 112.

⁸⁴ “Sharee” stations are stations that return their channel to the Commission in order to share with another “sharer” station.

⁸⁵ We clarify that an LPTV or TV translator station that is subject to displacement but is not yet required to discontinue operations on its current channel may act as a sharer for another displaced station that is required to discontinue operations.

⁸⁶ See *LPTV DTV Third R&O*, 30 FCC Rcd at 14942, para. 31.

⁸⁷ *Id.* at 14956-57, para. 65.

⁸⁸ 47 CFR § 74.787(a)(5)(i); *LPTV DTV Third R&O*, 30 FCC Rcd at 14959, para. 70.

describes the eligibility requirements, filing procedures, and licensing and operating rules for DTDRT service.

A. Eligibility

32. Eligibility for DTDRTs is limited to full power television stations reassigned in the repacking process that can demonstrate: (1) a loss of a portion of their pre-auction digital service area;⁸⁹ and (2) that the proposed DTDRT will be used solely to fill in such loss areas, subject to an allowance for a *de minimis* expansion of the station's pre-auction digital service area.⁹⁰ Applicants for DTDRTs must demonstrate a digital loss area through an engineering study that depicts the station's pre- and post-incentive auction digital service areas.⁹¹ In addition, applicants must demonstrate that the loss resulted from the station being repacked.⁹²

33. The Commission has recognized that it may be impossible to locate a DTDRT that replaces a digital loss area without also slightly expanding the station's pre-auction digital service area.⁹³ To accommodate such situations, the Bureau may grant *de minimis* expansions of pre-auction digital service areas.⁹⁴ Stations are required to show the need to site their proposed DTDRT facility with a *de minimis* expansion of the station's pre-auction digital service area.⁹⁵ The Bureau will determine whether an expansion is *de minimis* on a case-by-case basis.⁹⁶

B. DTDRT Application Filing Procedures

34. Eligible stations may file an application for a DTDRT electronically through LMS on FCC Form 2100 – Schedule C, following the instructions in Appendix A. DTDRT applications will be minor change applications, and will be exempt from filing fees.⁹⁷ Full power television stations shall have a three-year construction period to build their authorized DTDRT facilities.⁹⁸ The provisions for extension of time and tolling, including the tolling waiver policy, outlined in Section III. F. apply to DTDRTs.⁹⁹

⁸⁹ The station's "pre-auction digital service area" is defined as the geographic area within the full power station's noise-limited contour of its facility as set forth in the *Baseline Public Notice*. 47 CFR § 74.787(a)(5)(v); *LPTV DTV Third R&O*, 29 FCC Rcd at 14958, para. 68 citing *Incentive Auction Task Force Releases Revised Baseline Data and Prices For Reverse Auction*, 30 FCC Rcd 12559 (WTB 2015) (*Baseline Public Notice*). In the *Baseline Public Notice*, the Commission established the final baseline facility for each full power and Class A television station that will be used in the incentive auction and repacking. *Id.*

⁹⁰ 47 CFR § 74.787(a)(5)(v); *LPTV DTV Third R&O*, 30 FCC Rcd at 14958, para. 67. The Commission concluded that such limits were "consistent with the limited scope of our objective in proposing this new service: to assist full power television stations to maintain their pre-auction digital service areas following the completion of the repacking process and auction . . . but not to expand such service areas." *Id.*

⁹¹ 47 CFR § 74.787(a)(5)(v); *LPTV DTV Third R&O*, 30 FCC Rcd at 14958, para. 68.

⁹² *Id.*

⁹³ *LPTV DTV Third R&O*, 30 FCC Rcd at 14958-59, para. 69.

⁹⁴ 47 CFR § 74.787(a)(5)(v); *LPTV DTV Third R&O*, 30 FCC Rcd at 14958-59, para. 69.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ 47 CFR § 74.787(a)(5)(iv); *LPTV DTV Third R&O*, 30 FCC Rcd at 14962, para. 78.

⁹⁸ 47 CFR § 74.787(a)(5)(ii); *LPTV DTV Third R&O*, 30 FCC Rcd at 14963, para. 82.

⁹⁹ 47 CFR § 74.787(a)(5)(ii).

C. Processing Priority

35. DTDRT applications will be afforded co-equal processing priority with displacement applications filed by full power television stations for their displaced analog-to-digital replacement translator stations (DRTs).¹⁰⁰ Therefore, applications for new DTDRTs and displacement applications for existing DRTs will have processing priority over all other LPTV and TV translator applications including new, minor change, and displacement applications.¹⁰¹ As noted above, applications for DTDRTs may be filed commencing with the opening of the Special Displacement Window. All applications for new DTDRTs and displacement applications for existing DRTs filed during the Special Displacement Window will be considered filed on the last day of the window, will have priority over all other displacement applications filed during the window by LPTV and TV translator stations, and will be considered co-equal if mutually exclusive.¹⁰² Following the close of the Special Displacement Window, applications for new DTDRTs will be accepted on a first-come, first-served basis, will continue to have priority over all LPTV and TV translator new, minor change or displacement applications, even if those applications were first-filed, and co-equal priority with displacement applications for existing DRTs filed on the same day.¹⁰³

VII. DATE FOR LPTV AND TV TRANSLATOR DTV TRANSITION – JULY 13, 2021

36. In the *LPTV DTV Third R&O*, the Commission extended the September 1, 2015 digital transition date until July 13, 2021.¹⁰⁴ All construction permits related to the LPTV and TV translator digital transition and construction permits for new digital LPTV and TV translator stations are hereby extended to July 13, 2021, and stations' records in LMS will be updated to reflect this date. All LPTV and TV translator stations must terminate all analog operations by 11:59 p.m. local time on July 13, 2021 regardless of whether their digital facilities are operational.¹⁰⁵

37. As the Commission stated in the *LPTV DTV Third R&O*, although the digital deadline has been extended, stations that are not affected by the incentive auction “are encouraged to complete their transition to digital as soon as feasible after the completion of the auction.”¹⁰⁶

38. Transitioning LPTV and TV translator stations, including permittees of new digital LPTV/TV translator stations, that experience delays in completing their digital facilities may seek one last extension of time, of not more than six months, to be filed not later than March 13, 2021, which is four months prior to the new transition date of July 13, 2021.¹⁰⁷ Instructions for filing an extension application are included in Appendix A. After March 13, 2021, LPTV and TV translator stations seeking additional time to construct digital facilities will be able to obtain additional time to construct only through the tolling provisions in the rules. Instructions for filing a tolling request are also included in Appendix A. Stations may also seek a waiver of the tolling rule to receive additional time to construct in the case where

¹⁰⁰ 47 CFR § 74.787(a)(5)(iii); *LPTV DTV Third R&O*, 30 FCC Rcd at 14959-60, para. 71.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *LPTV DTV Third R&O*, 30 FCC Rcd at 14959-60, para. 71.

¹⁰⁴ See *LPTV DTV Third R&O*, 30 FCC Rcd at 14932-33, para. 9. In that decision, the Commission extended the LPTV digital transition date until 12 months following the completion of the 39-month post-incentive auction transition period (or 51 months from the completion of the incentive auction and the release of the *Closing and Channel Reassignment Public Notice*). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the new LPTV digital transition date is now July 13, 2021.

¹⁰⁵ Those without operational digital facilities will be required to remain silent while they complete construction. *Id.* at 14934, para. 14.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

“rare or exceptional circumstances” prevent construction. Instructions for filing a tolling waiver request are also included in Appendix A. We expect to look favorably upon waiver requests where a station can demonstrate that it is unable to construct due to circumstances resulting directly from the post-auction transition, such as the inability to procure necessary resources because such resources are unavailable due to the full power and Class A post-auction transition.

39. To ensure that viewers are aware of the impending termination of analog service, stations must provide notification to viewers of their planned transition to digital.¹⁰⁸ Stations have the flexibility to determine the frequency, length, and content of their notifications.¹⁰⁹ For those stations with the technical ability to locally originate programming,¹¹⁰ viewer notification must be done on the air at a time when the highest number of viewers are watching.¹¹¹ For those stations that lack the technical ability to locally originate programming, or conclude that airing of viewer notifications would pose a hardship, they may notify viewers by some other reasonable means, e.g., publication of a notification in a local newspaper or by contacting the originating station to relay a crawl or service advisory to the communities that would be affected.¹¹²

VIII. LIFTING OF FREEZE ON FILING OF DISPLACEMENT AND DIGITAL COMPANION CHANNEL APPLICATIONS TO BE ANNOUNCED IN FUTURE PUBLIC NOTICE

40. To facilitate the Special Displacement Window outlined in Section III, and to protect the opportunity for LPTV/translator stations displaced as a result of the incentive auction and repacking process to obtain a new channel from the limited number of channels likely to be available, the Media Bureau, on January 19, 2017, froze the filing of digital companion channel (DCC) applications.¹¹³ For similar reasons, the Media Bureau, on June 11, 2014, froze the filing of displacement applications.¹¹⁴ The DCC and displacement application freeze will be lifted after the closing of the Special Displacement Window. The Media Bureau will announce the date the freezes are lifted in a future public notice, whereupon the Commission will once again accept DCC applications and displacement applications by LPTV/translator stations that are displaced pursuant to the rules.

41. We remind displaced LPTV/translator stations that do not qualify for the Special Displacement Window (e.g., permittees that were not operating as of the *Closing and Channel Reassignment Public Notice*) and stations that were eligible but do not file during the Special Displacement Window that they must wait until the freeze is lifted to submit a displacement application. In addition, the provisions concerning construction periods, extensions of time, tolling and tolling waivers outlined in Section III. F. apply to these displaced permittees/stations.

42. With respect to tolling waivers submitted by these displaced stations, we announce that we expect to look favorably upon requests where a displaced station can demonstrate that it is unable to construct due to circumstances resulting directly from the post-auction transition, such as the inability to

¹⁰⁸ See 47 CFR § 74.798; *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Second Report and Order, 26 FCC Rcd 10732, 10755, para. 49 (2011)(*LPTV DTV Second R&O*).

¹⁰⁹ See *id.*

¹¹⁰ All stations in the low power television service are permitted to originate some amount of local programming, such as public service announcements (PSAs). See 47 CFR § 74.731(f) and (g) and 47 CFR § 74.701(f). PSAs originated by TV translators are limited to 30 seconds each and not more than once per hour.

¹¹¹ See 47 CFR § 74.798(c); *LPTV DTV Second R&O*, 26 FCC Rcd at 10755, para. 49.

¹¹² See 47 CFR § 74.798(d); *LPTV DTV Second R&O*, 26 FCC Rcd at 10755, para. 49.

¹¹³ See *Freeze On the Filing of Applications for Digital Companion Channels*, Public Notice, 32 FCC Rcd 566 (MB 2017).

¹¹⁴ See *Freeze On the Filing of Applications for Digital Replacement Translator Stations and Displacement Applications*, Public Notice, 29 FCC Rcd 6063 (MB 2014).

procure necessary resources because such resources are unavailable due to the full power and Class A post-auction transition.

IX. CONTACTS

43. Additional questions concerning the matters addressed in this Public Notice may be referred to the contact persons below.

Licensing (legal):

Shaun Maher at 202-418-2324 or
Shaun.Maher@fcc.gov

Licensing (technical):

Hossein Hashemzadeh at 202-418-1658 or
Hossein.Hashemzadah@fcc.gov

LMS:

(877) 480-3210 TTY: (717) 333-2824

General Auction 1000 Information:

www.fcc.gov/auctions/1000

– FCC –

APPENDIX A**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.

Fees

Applicants must pay the requisite filing fee where applicable.

Instructions For Specific Filings

After logging into LMS, follow these instructions for the particular type of filing.

FCC Form 2100 – Schedule C – Displacement Application

1. Login using station's FRN and password;
2. Click on the facility tab on top of the page;
3. Click on facility ID of the desired station;
4. Click on "file an application;"
5. Select Form 2100 – Schedule C from the drop down menu.

FCC Form 2100 – Schedule F – 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."

FCC Form 2100 – Schedule C - Digital-to-Digital Replacement Translator (DRT) Application

1. Login using station's FRN and password;
2. Click on the facility tab on top of the page;
3. Click on facility ID of the desired station;
4. Click on "file an application;"
5. Select Form 2100 – Schedule C from the drop down menu.

FCC Form 2100 – Schedule C - Digital Companion Channel Application

1. Login using station's FRN and password;
2. Click on the facility tab on top of the page;
3. Click on facility ID of the desired station;
4. Click on "file an application";

5. Select Form 2100 – Schedule C from the drop down menu.

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.”

Suspension of Operations Notification

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 “Suspension of Operations Notification” from the drop down menu.
5. Complete the application and click “Submit.”

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 “Request to Cancel License” 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 “Schedule 337” 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.”