

December 1 Deadline for Biennial Ownership Reports Begins A Busy Regulatory Month for Broadcasters

By David Oxenford

November 30, 2011

All commercial broadcasters (AM/FM/TV and even LPTV) have to file their Biennial Ownership Reports on December 1, beginning a very busy month in the broadcaster's regulatory world. December 1 is also the **deadline for noncommercial ownership reports** to be filed by **noncommercial radio stations in Alabama, Connecticut, Georgia, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont**, and **noncommercial television stations in Colorado, Minnesota, Montana, North Dakota and South Dakota** (see our Advisory [here](#)). **Annual EEO Public File reports** are also due to be in station files for stations in all of the states where noncommercial stations have ownership filings (see our Advisory on the EEO Public File Report [here](#)). **License renewals for radio broadcasters in Georgia and Alabama** are also due on that date (see our License Renewal advisory here), as are the Commission's cut of the **ancillary and supplementary revenues made by digital television broadcasters** (our summary [here](#)). And all full-power broadcasters need to file their reports on the results of the recent **Nationwide EAS Test** by December 27 (see our post [here](#)).

December also brings a Commission meeting, at which the **CALM Act rules** will be adopted according to the tentative agenda for the December 12 meeting. The CALM Act is intended to eliminate loud commercials. These rules are required by statute to be adopted in December (see our summary of the proposed rules [here](#)). Comments on a number of other FCC proposals in rulemaking proceedings are also due. The FCC just announced that comments in the proceeding to determine if **FM digital operations using the IBOC technology** (so-called HD Radio) can operate with different power levels on each side of the main channel are due by December 19 (see our summary of this proceeding [here](#)). Comments on the controversial proposal for the **online public inspection file for television stations** are due on December 22.

Radio broadcasters may be using December to prepare applications for **the next auction of new FM channels**, with an FCC filing window that opens on January 3 (see our summary [here](#)). We also expect, based on press reports, to see a Notice of Proposed Rulemaking on the **FCC's multiple ownership rules**. And the deadline for comments on the FCC's Notice of Inquiry on a replacement for **Form 355**, to document the public interest programming of TV broadcasters, should also be announced any

day. On top of all that, Congress is planning to consider legislation to authorize the FCC to conduct **spectrum auctions** - possibly paving the way to some reclamation of the TV spectrum for wireless broadband - though whether the various bills that are being considered will be passed before the end of the year remains questionable.

About the only recent deadline that we've recently written about that won't go into effect in December, is one that is not an FCC deadline, but one from the National Labor Relations Board, which had required virtually all companies across the country to begin posting at their businesses a statement about employee rights under Federal labor laws. This was supposed to have been done by November 14 but, due to objections by certain business groups to the NLRB's power to require this notice, the date has been extended to January 31 (see our firm's advisory on this extension here).

So get your regulatory hat on, and find time to take care of all of your legal obligations this month – between your holiday shopping

This advisory is a publication of Davis Wright Tremaine LLP. Our purpose in publishing this advisory is to inform our clients and friends of recent legal developments. It is not intended, nor should it be used, as a substitute for specific legal advice as legal counsel may only be given in response to inquiries regarding particular situations.