



December 2009

Nationwide LPTV/TV Translator Filing Opportunity Postponed

If you've been counting the days until the January 25, 2010 opportunity to file for new digital-only LPTV/TV translator stations (and major mods for existing analog and digital LPTV/translator stations) in non-rural areas, it's time to re-set the calendar. In December the FCC announced that that January 25 date is slipping by six months. Mark your calendars: *the new date is July 26, 2010.*

We reported in last July's *Memo to Clients* when the Commission, in a flush of optimism, flung open its doors to LPTV/translator applications in "rural" areas as of August 25 – with the promise that applications for *all* areas could be filed as of January 25. Apparently, that initial "rural" window brought in enough applications to keep the processing staff busy: according to the FCC, the postponement of the nationwide window "is necessary to complete the processing" of rural applications filed since August.

Perhaps more ominously, the FCC advises that the postponement will also "permit Commission staff to dedicate additional time and resources for consideration of the Broadband Plan." As concern mounts that the Commission may be determined to "re-purpose" broadcast television spectrum for broadband use (*see* the related story on page 1), the postponement of the nation-wide LPTV/translator should send more than a *frisson* down broadcasters' spines. While the FCC's stated purpose – to free up staff – may be completely accurate, it's hard to avoid the suspicion that an underlying purpose could be that the FCC does not want to get broadcasters' hopes up relative to the availability of TV spectrum if that spectrum is going to be "re-purposed" out from under them even before their applications are processed. The FCC's thinking might be that it's better to keep potential applicants on the outside looking in for the time being, rather than to accept applications that could somehow gum up the works if the Commission eventually decides to yank TV spectrum away from broadcasters for the Greater Good of broadband.

Interestingly, the public notice makes no mention of the pending proposal by a number of public interest groups hoping to have Channels 5 and 6 re-purposed for radio use. (We wrote about that proposal in the August, 2009 *Memo to Clients*.)

For the time being, "rural" applications and others permitted under the rules will continue to be accepted. But all you non-rural applicants will have to sit on the sidelines until mid-summer, if not longer.