

Memorandum to Clients

Out: Set-top Boxes; In: POD's



FCC Approves Plug-and-Play TV Standards

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The FCC has approved equipment standards which will allow digital television sets to connect directly to digital cable service wall outlets without the need for a set-top box ("plug-and-play" TV). Cable companies and equipment manufacturers reached an agreement in December on how to make their digital equipment work together without set-top boxes and submitted the proposed equipment standards to the FCC for approval. The FCC has now approved the standards. Consumers will still need to obtain a security card ("POD" or "cable card") from their local cable operator to insert into the plug-and-play TV sets.

Plug-and-play television sets will have several benefits for consumers. Consumers won't have to obtain a set-top box or use a separate remote control to receive digital cable service. They won't have to get new set-top boxes when they move, and, instead, will be able to take their plug-and-play sets to other parts of the coun-

try and have them work with different cable systems. In addition, they will be able to fully utilize the features and functions of their television sets which are often disabled when sets are connected to set-top boxes. Plug-and-play digital sets should be in stores in the second half of 2004.

As a result of the new standards, HDTV sets which connect to cable without set-top boxes are expected to be in retail stores by the end of next year.

The FCC also adopted labeling requirements to ensure that all sets labeled "Digital Cable Ready" meet plug-and-play standards. It required set manufacturers to provide owner's guides explaining the functions of plug-and-play sets and POD security cards. In addition, the FCC released a further notice of proposed rulemaking to determine whether to require a pre-sale explanation of plug-and-play and POD security card features.

The down side is that first generation plug-and-play sets will be able to receive only "one-way" programming. If consumers want to subscribe to advanced digital "two-way" services such as pay-per-view, video-on-demand, interactive services, or cable operator-enhanced program guides, they still will need a set-top box for the time being. Cable and equipment manufacturing companies are continuing to negotiate standards that will allow plug-and-play sets to provide "two-way" services.

The FCC's action is intended to speed the transition to high-definition television ("HDTV"). As a result of the new standards, HDTV sets (more advanced than standard digital sets) which connect to cable without set-top boxes are also expected to be in retail stores by the end of next year. In addition, the new standards are expected to increase consumer demand for HDTV television sets and encourage program producers to provide more HDTV programming.

To further speed the transition to HDTV, the FCC is requiring, starting April 1, 2004, that cable operators supply, when requested, HDTV set-top boxes with HDTV connectors. By July 1, 2005, all HDTV set-top boxes must contain digital or HDTV interfaces. In addition, television sets labeled "Digital

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The circus is still in town

Ownership Rules, Month 4: The Hits Just Keep On Coming

By: Lee G. Petro
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Like a bad B-Movie, the monster just won't die.

If you have been following the minute-by-minute developments with respect to the implementation of the new media ownership rules, not only are you very dizzy, but also very likely confused. A number of public interest organizations have succeeded in delaying the implementation of the new rules, the courts are battling for jurisdiction, and the FCC is issuing numerous public notices attempting to paper over the shifting landscape. What's a licensee to do? Let's try to pull apart the wreckage from this multi-vehicle pile-up and examine the separate pieces.

For background orientation purposes, you will recall that, in June, the Commission adopted a new set of broadcast ownership rules. The full text of those new rules was released in July. Application forms incorporating the new rules came on-line in August, as the FCC lifted the freeze on CP and assignment/transfer applications. The new rules were scheduled to go into effect on September 4. And then . . .

Legislative Efforts: Returning from its August recess refreshed and re-energized, in early September the Senate adopted a Resolution expressing its displeasure with all the new rules and calling for their repeal. For the Resolution to take effect, however, the House and the President must concur. (Reports earlier in the summer had indicated that, because of some arcane parliamentary rule, the President might not have the opportunity to veto such a resolution; those reports appear to have been inaccurate.) At press time, the House has not yet placed the Resolution on its calendar – in fact, some published reports indicate that the Resolution may not even make it to the House floor for a vote. And other press reports suggest that even if the House were to buck conventional wisdom and sign on to the Resolution, the President may be set to veto it (and since the Resolution was supported by only a thin majority in the Senate, the likelihood is that a veto could not be overridden). So while the Resolution's proponents may have been enthusiastically trumpeting the end of the new rules when the Resolution made it through the Senate, the smart money now views the Resolution as dead in the water and not likely to have any real effect.

Even so, other potential legislative action looms on the horizon. For example, the Senate is also considering the repeal of the television national ownership cap, which has been placed on its calendar for consideration. And there has been talk of including language in the FCC's appropriation bill which could prevent the FCC from implementing its new rules. We can expect to see continued legislative jockeying, although the likelihood that any of it will result in any change in the Commission's rules and policies is far from clear.

Judicial Review: As noted on our website, on September 3, 2003, one day before the new media ownership rules were to go into effect, the U.S. Court of Appeals for the 3rd Circuit in Philadelphia imposed a stay on the implementation of the new rules, pending full review by the Court. This result was a stunning victory for the Prometheus Radio Project, an upstart public interest group, and their counsel, the Media Access Project. On the heels of this ruling, the 3rd Circuit refused to transfer consideration of the underlying appeal to the DC Circuit, thus guaranteeing higher hotel rates in Philadelphia in the near term. (See accompanying sidebar on page 4 explaining how the 3rd Circuit became involved here.)

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Badges? Badges? We Don't Need No Stinking Badges - The FCC proposed fining a man \$7000 recently after his neighbor reported him to the police. An unnamed resident of Tacoma, Washington, called the local police to report interference being received on a home entertainment system. A few weeks after the report was filed, FCC agents arrived at the scene with tracking equipment and determined that the signals were coming from a neighborhood house.

The FCC agents and two local police officers arrived at the home from which the interfering signal was emanating. The resident of the house, a Mr. William Woods, permitted the agents to enter his residence but told the cops to stay outside. The FCC agents began inspecting CB equipment which was located in the perpetrator's home. However, in the middle of the inspection, Mr. Woods appears to have had a change of mind and ordered the FCC agents out of the house. The agents responded by proposing to fine the man \$7000 for failing to permit federal agents to inspect his CB equipment; federal regulations require CB operators to allow agents to inspect their equipment upon request.

After being formally notified that he was subject to a forfeiture for his conduct during the on-site inspection, Mr. Woods claimed in his defense that the agents never flashed their badges, that he did not actually kick them out of his house, and (here's a surprise) that he was taking medication at the time. In issuing a fine, the FCC did not believe any of these claims. However, the FCC did recognize that their suspect would suffer financial hardship from a \$7000 fine and dropped the fine to \$500.

Papers Please, May We See Your Papers? - The FCC was not as lenient toward a telephone company and walloped it with a \$10,000 fine for failure to produce documents. In July, the Commission sent a letter to a small long distance carrier requesting the production of documents related to its sales procedures. The telephone company responded by arguing that the agency had no jurisdiction and that turning over the requested documents could result in an action equivalent to a conviction, in which case the company was unable to defend itself.

The FCC was not amused by the company's arguments. The agency referred to five different sections of federal law which empower it to issue orders demanding document production. The G-men issued a \$10,000 fine to the company and advised it that it would keep assessing fines until the requested documents were produced. Clients should bear in mind that the FCC has broad investigative and discovery authority and that the agency is authorized to make many document requests and equipment inspections.

Focus on FCC Fines

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We Forgot to Interrupt Your Regularly Scheduled Programming

- Commission agents monitored a television station's Emergency Alert System compliance simply by flipping on the TV. During the first week of July, August and September, Commission personnel in Honolulu watched an hour of a local television station's programming. However, the agents also were aware that a test of the local EAS system was scheduled during the time that they were watching. Lo and behold, the agents were able to watch the broadcast - - uninterrupted by the EAS test - - for the entire time they were monitoring the transmissions.

The FCC agents headed on over to the television studio to inspect the EAS equipment and logs. The agents noted that the station had not been retransmitting the monthly test and kept no logs explaining why the tests were not conducted. The station was hit with a \$2,000 fine. Clients are reminded that FCC rules require monthly EAS tests to be retransmitted within 60 minutes of receipt.

Other Fines - A Washington State broadcaster was fined \$8000 for failing to maintain operational EAS equipment. The Washington station was also fined \$2000 for failing to post an Antenna Registration Number (ARN). An Alabama man faced a similar ARN problem when he was fined \$3000 for failing to register the antenna for his AM station. Tower problems also affected a Pennsylvania broadcaster who was fined \$10,000 for failing to post an ARN as well as tower painting and lighting failures. Clients are again reminded that the Commission is strictly enforcing tower regulations - an approach which is facilitated by the fact that broadcast towers are difficult to hide when an FCC agent inspects a station.



(Continued from page 2)

FCC and Processing of Applications:

Meanwhile, back at the Commission, where the rubber meets the road, the on-again-off-again status of the rules has wreaked a certain amount of havoc. As you will recall, back in June, when the new rules were adopted, the Commission immediately imposed a freeze on new construction permit, assignment and transfer applications. That freeze was to last until new application forms, incorporating the new rules, were prepared and approved by the Office of Management and Budget ("OMB"). After two months of freeze, the Commission announced in early August that the new forms had been approved and were ready for use. Less than a month later, however, the 3rd Circuit issued the stay in which it ordered the Commission to go back to using its pre-June, 2003 rules. But that meant that the Commission also had to return to its old applications forms, which had been ditched in August when the new forms came on-line. So the Commission promptly announced a second freeze to allow it to resurrect the old forms.

As the titans on the Eighth Floor, and in Congress, and in the 3rd Circuit, bob and weave through their various dances and stances, mere mortals are forced to deal with the consequences, adjusting and re-adjusting their daily lives as the actions of the titans above dictate.

By mid-September, the Commission issued another public notice announcing that the old modification and assignment/transfer applications were back on-line and should be used until further notice, and that any applications which were filed on the "new" forms (*i.e.*, the forms which were made available in August, 2003) should be amended to show compliance under the old rules. Such amendments must be filed by October 17, 2003, and must be submitted electronically. If a proposed modification, assignment or transfer does not comply with the old ownership rules, a waiver must be requested. If a waiver is not requested, the application will be dismissed.

To recap, then, the new ownership rules which the Commission adopted in June are currently **NOT** in effect. The Commission has been ordered by the 3rd Circuit **not** to ap-

ply those new rules pending the outcome of the appeal. So the Commission is currently applying the rules which were in effect prior to June, 2003, and anyone applying for a permit, an assignment or a transfer will have to demonstrate compliance with those old rules, and **not** the "new" rules. Meanwhile, some members of Congress continue to threaten legislation which would effectively toss out the "new" rules and bring back the "old" rules permanently. The likelihood of such action is far from clear. Our best guess is that, in light of the appeal before the 3rd Circuit and that court's apparent distaste for the "new" rules (a distaste evident in the stay order), Congressional opponents of the "new" rules may decide not to act now (although you can probably count on them to continue to talk a good game). If, after all, the court – which consists of judges who do not have to run for reelection – is prepared to throw the "new" rules out, why would a member of Congress want to commit him/herself to a public vote on the controversial issue?

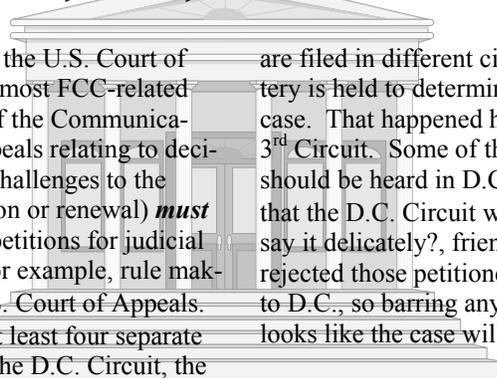
Unfortunately, as the titans on the Eighth Floor, and in Congress, and in the 3rd Circuit, bob and weave through their various dances and stances, mere mortals

are forced to deal with the consequences, adjusting and re-adjusting their daily lives as the actions of the titans above dictate. This is hard enough for broadcasters, but consider as well the Commission's processing staff. Those folks are on the front lines and bear the immediate brunt of the mercurial shifts in policy. While they have to implement the marching orders (or changes in marching orders) handed down from on high, they are largely powerless to influence those orders. Much like the Light Brigade, their's not to reason why . . . And yet, despite this unenviable position, the staff has borne up with admirable spirit and flexibility.

We will keep you advised as the landscape shifts. And if past is prologue, you can expect that shifts will happen.

Why, you might ask, is the appeal of the ownership rules being heard by the U.S. Court of Appeals for the 3rd Circuit, located in Philadelphia, rather than by the U.S. Court of Appeals for the D.C. Circuit, where most FCC-related appeals are taken? In Section 402 of the Communications Act Congress required that appeals relating to decisions on licensing matters (such as challenges to the grant or denial of a license application or renewal) **must** be filed with the D.C. Circuit. But petitions for judicial review of non-licensing matters – for example, rule making proceedings – can go to **any** U.S. Court of Appeals. In the case of the ownership rules, at least four separate petitions for review were filed – in the D.C. Circuit, the

The Third Circuit?



2nd Circuit (in New York), the 3rd Circuit, and the 9th Circuit (San Francisco). When multiple appeals of a single decision

are filed in different circuits, the law provides that a lottery is held to determine which court will be assigned the case. That happened here, and the lucky winner was the 3rd Circuit. Some of the petitioners felt that the case should be heard in D.C. – presumably because they felt that the D.C. Circuit would provide a more, how shall we say it delicately?, friendly environment. The 3rd Circuit rejected those petitioners' attempt to move the case back to D.C., so barring any extraordinary developments, it looks like the case will be heard in Philadelphia.



No Longer Winging It

FCC Seeks Hard Data on Birds Colliding With Communications Towers

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Broadcasters may soon have to concern themselves not just with such broadcasting standbys as Big Bird, Tweety Bird or oldies sung by the Byrds, but also with the effects their towers may be having on real life birds.

As part of a broad government effort to establish environmental benchmarks, the FCC has opened an official inquiry into the "Effects of Communication Towers on Migratory Birds." The Commission says that is particularly interested in data detailing the causes of collisions involving migrating fowl and on practices that could prevent such mishaps. In addition, presumably in connection with this inquiry, the FCC has entered in an agreement with the State of Michigan and the U.S. Fish and Wildlife Service to facilitate an Avian Collision Study at selected towers used by Michigan in its public safety communications system.

The Commission has been egged on by evidence that more than 350 species of neotropical songbirds are vulnerable to collisions with communications towers. These migrators seem especially prone to fly into lit towers when visibility is low due to fog, rain or low clouds. The danger is greatest in the fall when birds fly south from their nesting grounds in North America en route to their winter homes in Latin America.

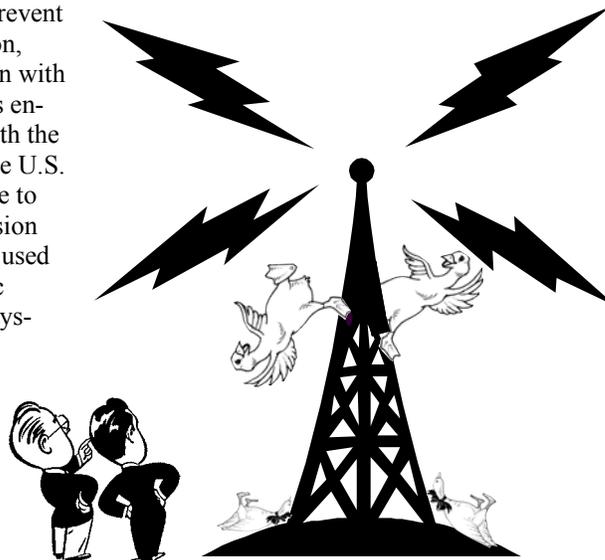
The Fish and Wildlife Service has already launched a "Communications Tower Working Group" involving both governmental and private sector experts to develop and evaluate research. The FCC inquiry supplements this broader government effort, allowing all sectors of the communications industry to offer insights. The Commission is accepting comments in this inquiry until November 12, 2003. Reply comments may then be filed until December 11, 2003.

The FCC's fledgling inquiry about migratory birds could lead to protocols for best practices and, eventually, new FCC rules on tower siting, construction and operations. Such rules in turn could lead to the filing of objections to particular tower proposals based on claims that the proposed tower might constitute a hazard to birds. The Commission has previously rejected such arguments when they were raised against particular applications (*see* Memo to Clients, January, 2002). But in so doing, the Commission suggested that the complainants' concerns might be more appropriately raised in a rule making proceeding, rather than in petitions directed against individual applications. The time for such a rule making has apparently arrived.

In releasing its inquiry, the Commission suggests that it is acting on its own motion, presumably out of concern for the welfare of our feathered friends. The Commission does not mention that it has, for several years, been under significant pressure from a number of conservation-related organizations seeking FCC action to protect the avian population.

Nor does the Commission mention that, as recently as April of this year it was required by a Federal appeals court to respond to complaints about administrative foot-dragging in precisely this area. While the court concluded in July that the Commission had not delayed unreasonably up to that point, it is entirely possible that the new inquiry is being undertaken in partial response to the continuing prodding by conservation groups.

Whatever its motivation, the Commission has started a process which may lead to new rules. Please feel free to call on us if you would like further information about this proceeding, or if you would like our assistance in preparing comments or reply comments for submission to the Commission.



Deadline for NCE Webcasters to Sign On to Royalty Agreement With RIAA

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In May representatives of a number of noncommercial webcasters reached an agreement with SoundExchange, an arm of RIAA, setting sound recording streaming fees for noncommercial webcasters for 1998-2004. Subject to certain conditions, the agreed-to fees may be significantly lower than the fees otherwise due under the statutory license fees established last Fall by the Librarian of Congress. To be eligible to take advantage of this negotiated fee arrangement, noncommercial educational webcasters must fill out the notice of election form and mail it to SoundExchange so that it arrives no later than October 15, 2003. The Notice of Election form requires you to review the May 31 Rates and Terms and agree to be bound by them.

The October 15 deadline does *not* apply to noncommercial webcasters who do not happen to be "educational" in nature – for example, community broadcasters or religious broadcasters not affiliated with an educational institution. The deadline for those non-educational licensees to sign on has passed.

If you own a group of stations, more than one of which is streaming, and if you wish to participate in the negotiated fee arrangement, you should complete the form as a single entity for all streaming stations in your group. SoundExchange's mailing address is listed on the form. We recommend that you also fax a duplicate copy of the form to SoundExchange at (202) 833-2141.



Special note – What you are signing and submitting now is an Opt-in agreement. Do *not* send any payments at this time. Payment will not be due until October 15, 2003.

Finally, but separately, streaming stations and webcasters were required to submit to the Copyright Office a form entitled "Initial Notice of Digital Transmission of Sound

Recordings Under Statutory License," along with a \$20 filing fee, by the later of (a) December 1, 1999 or (b) the first date on which the service began digitally transmitting sound recordings under the statutory license. Broadcasters who are subject to this requirement should be sure to confirm that they have in fact made the necessary filings. If the filings have not been made, prompt efforts should be made to complete the form and send it to the Copyright Office along with the required \$20 filing fee. The Copyright Office's address is:

Library of Congress
Copyright Office
Licensing Division
101 Independence Avenue, SE
Washington, DC 20557-6400

This procedure may be somewhat confusing if you have not followed these developments from the beginning. Feel free to contact us with questions or if you need any assistance in taking the required steps.



(Continued from page 1)

Cable Ready" must include tuners for reception of over-the-air digital TV. The FCC is also prohibiting down-resolution (reducing the resolution of HDTV programming to standard-definition) of broadcast programming by cable and other multi-channel programming systems. It released a further notice of proposed rulemaking regarding down-resolution of non-broadcast programming.

The FCC adopted encoding rules which permit cable and other multi-channel programming systems (except Internet,

cable modem or DSL services) to prohibit consumers from copying digital pay-per-view and video-on-demand programming. The cable and other systems may also limit copying of digital cable channels to one copy. No restrictions are permitted on the copying of broadcast television.

The FCC additionally adopted an interim policy and released a further notice of proposed rulemaking regarding scrambling technologies. The FCC stated that it will address Digital Broadcast Copy Protection (the "broadcast flag") in another order in the near future.

A further turn of the screw?

FCC Staff Tightens Up On Sales Filed Near Renewal Periods

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In prior renewal cycles, the FCC's staff had applied a firm policy that assignment and transfer of control applications filed while a renewal application was pending would be held in abeyance pending action on the renewal application. We reported in the April, 2003 Memo to Clients that the staff intends to maintain that policy in the current renewal cycle (which started earlier this year). But the staff has now taken an additional step which seems to expand that policy somewhat.

Recently, the staff has included a special condition on grants of assignments and transfers. The condition is included on the forms (Form 732) issued by the Commission to reflect the grant of the application. The condition mandates that closing on the assignment or transfer must occur either before the deadline for renewal applications

in that state or after the renewal application is granted. In other words, if you are planning on buying or selling a station, and your assignment application with respect to the sale is granted, say, a month or two prior to the deadline for the station's renewal application, you will have to close before the renewal deadline; if you fail to do so, you won't be able to close until after the renewal has been granted, which would normally be five months or more after the renewal application is filed.

This injects yet one more factor to take into account in the planning and implementation of any deal you may have in the works. And while the new condition may present little more than a scheduling hassle, it is still something which needs to be considered in the overall picture. Consider yourself forewarned.



FHH - On the Job, On the Go

If you're going to the NAB Radio Show in Philadelphia early next month, keep an eye out for **Jim Riley, Frank Jazzo, Harry Martin, Kathleen Victory, Susan Marshall, Frank Montero, Ann Bavender, Lee Petro** and **Ali Shapiro**, all of whom will be attending all or part of the festivities. **Jim** will be a panelist at the Show, along with **Roy Stewart** and **Peter**

Doyle of the FCC, in a presentation on the license renewal process on October 2 at 3:00 p.m. The FHH team will be staying at the Philadelphia Marriott Downtown, if you would like to get in touch with them.

Frank Montero has been appointed by FCC Chairman Powell to serve on the Commission's Federal Advisory Committee on Diversity in the Digital Age. He is slated to serve on the Access to Capital and the Transactional Subcommittees. The Committee will provide guidance to the Commission on policies and practices that could increase the diversity of ownership and could create opportunities for minorities and women in the communications sector as well as other related sectors of the economy.

Frank Jazzo will be conducting a license renewal seminar for the Arkansas Broadcasters Association, along with **Roy Stewart**, Chief of the FCC's Office of Broadcast License Policy, in West Little Rock, Arkansas, on Friday, October 10. **Frank**, truly a travelin' guy, will also be conducting an EEO session and will be moderating a session with FCC Enforcement Bureau Chief, **David Solomon**, at the Alaska Broadcasters Association convention in Anchorage, Alaska, on October 23-34.

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October 1, 2003

Renewal Pre-Filing Announcements - Radio stations located in **Alabama** and **Georgia** must begin pre-filing announcements in connection with the license renewal process.

Renewal Applications - All radio stations in **Florida, Puerto Rico**, and the **Virgin Islands** must file their license renewal applications.

Renewal Post-Filing Announcements - Radio stations located in **Florida, Puerto Rico**, and the **Virgin Islands** must file their license renewal applications

EEO Public File Reports - All radio and television stations in **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Mariana Islands, Missouri, Oregon, Puerto Rico**, the **Virgin Islands**, and **Washington** must place their annual public file reports in their local public inspection files and post the reports on their websites. Per announced FCC policy, the reporting period may end ten days before the report is due, and the reporting period for the next year will begin as of the following day.

Ownership Reports - All commercial and noncommercial radio and television stations in **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, Mariana Islands, Missouri, Oregon, Puerto Rico**, the **Virgin Islands**, and **Washington** must file a biennial Ownership Report (FCC Form 323 for commercial stations or Form 323-E for noncommercial stations). All reports filed on FCC Form 323 or 323-E must be filed electronically.

October 6

Comments on Definition of Non-Arbitron Radio Markets - Comments in response to the separate Notice of Proposed Rulemaking (MB Docket No. 02-130) concerning the definition of radio markets not located in any Arbitron survey area are due October 6.

October 10

Children's Television Programming Reports - For all commercial television stations and Class A television stations, the reports on FCC Form 398 must be filed electronically with the Commission, and a copy must be placed in each station's local public inspection file.

Issues/Programs Lists - For all commercial and noncommercial radio, television, and Class A television stations, a listing of each station's most significant treatment of community issues must be placed in the station's local public inspection file. The list should include a brief narrative describing the issues covered and the programs which provided the coverage, with information concerning the time, date, duration, and title of each program.

October 14

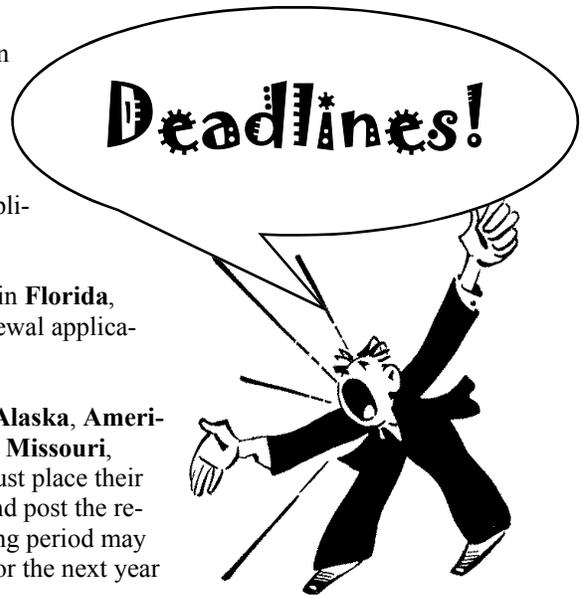
Comments on LPFM - The Commission extended the deadline for filing comments on Mitre Corporation's LPFM Report until October 14, 2003.

October 21

Comments on Definition of Non-Arbitron Radio Markets - Reply Comments concerning the Notice of Proposed Rulemaking (MB Docket No. 02-130) concerning the definition of radio markets not located in any Arbitron survey area are due October 21.

December 1

Renewal Pre-Filing Announcements - Radio stations located in **Arkansas, Louisiana** and **Mississippi** must begin

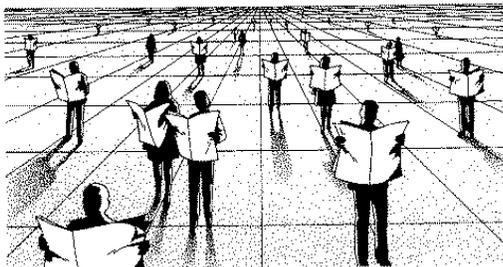


(Continued on page 9)

Stuff you may have read about before is back again . . .

Updates on the News

Virginia Noncom TV Station Goes DTV-only. As the FCC continues to prod broadcasters, equipment suppliers and programmers to pick up the pace on the road to an all-digital tomorrow, one Virginia noncommercial television station is doing its part by giving back its analog spectrum and operating digital-only. Station WNVT was granted permission to do so in early September. That permission was not routinely granted, however, despite the Commission's ongoing efforts to expedite the industry's conversion to digital. Because of apparent concern that abandonment of analog service by the station might unduly deprive audience members of an over-the-air analog service on which they have come to rely, the Commission insisted that the licensee demonstrate the impact that its proposal would have on viewers. The licensee was able to show that the impact would be minimal. It also showed that the financial burden of providing both analog and digital programming was extraordinary, particularly for a relatively low-budget noncommercial operation. In view of that showing, and further in view of the licensee's commitment to take additional steps to minimize any adverse impact from its conversion, the Commission gave it the green light.



the implementation of a new annual employment report form for multi-channel video programming distributors. It's possible that that new report is simply a warm-up for the re-imposition of the annual reporting requirement for broadcasters – although the FCC has as of press time not taken that extra step.

Apocalypse Soon? Back in the early 1990s, when Howard Stern was the whipping boy of the Commission, singled out for huge forfeitures and generally held up as the epitome of unacceptably bad taste, who would have thought that, in 2003, his show would be officially designated, by the Commission itself, a “*bona fide*

news interview program”, a classification enjoyed by the august likes of *Meet the Press* and *Face the Nation*? But sure enough, that's what the Commission did . . . kind of. Actually, it designated only the “news interview segments” of the Stern show as qualifying for the “*bona fide* news interview exemption” to the political equal time rules. Now all the FCC has to do is to figure out exactly what portions of the show constitute the “news interview segments”.

Harbinger of Annual Employment Reports? While the Commission has made some noises about reinstating the annual employment report for broadcasters, it has to date not done so. But in late September, the FCC did announce

Kudos and Congrats. For the second year in a row, the FCC's website has been ranked second among federal agency websites by researchers at the Taubman Center for Public Policy at Brown University.

Deadlines!

(Continued from page 8)

pre-filing announcements in connection with the license renewal process.



Renewal Applications - All radio stations in **Alabama** and **Georgia** must file their license renewal applications.

Renewal Post-Filing Announcements - Radio stations located in **Alabama** and **Georgia** must begin post-filing announcements in connection with the license renewal process.

EEO Public File Reports - All radio and television stations in **Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont**. Per announced FCC policy, the reporting period may end ten days before the report is due, and the reporting period for the next year will begin as of the following day.

Ownership Reports - All commercial and noncommercial radio and television stations in **Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont** must file a biennial Ownership Report (FCC Form 323 for commercial stations or Form 323-E for non-commercial stations). All reports filed on FCC Form 323 or 323-E must be filed electronically.

FM ALLOTMENTS ADOPTED –8/19/03-9/19/03

State	Community	Approximate Location	Channel	Docket or Ref. No.	Availability for Filing
OK	Broken Bow	10 m N of Idabel	285A	01-109	TBA
GA	Tybee Island	15 m E of Savannah	280C2	03-119	None
GA	Springfield	15 m N of Savannah	226C1	03-119	None
GA	Watkinsville	10 m S of Athens	261A	01-281	None

FM ALLOTMENTS PROPOSED –8/19/03-9/19/03
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State	Community	Approximate Location	Channel	Docket No.	Deadlines for Comments	Type of Proposal (i.e., Drop-in, Section 1.420, Counterproposal)
TX	Dripping Springs	60 m N of San Antonio	258A	03-195	Cmts - 10/30/03 Reply-11/14/03	1.420
IL	Okawville	40 SE of St. Louis, MO	271B1	03-196	Cmts - 10/30/03 Reply-11/14/03	1.420
MO	St. Louis		273C0	03-196	Cmts - 10/30/03 Reply-11/14/03	1.420

Notice Concerning Listings of FM Allotments

Consistent with our past practice, Fletcher, Heald & Hildreth PLC provides these advisories on a periodic basis to alert clients both to FM channels for which applications may eventually be filed, and also to changes (both proposed and adopted) in the FM Table of Allotments which might present opportunities for further changes in other communities. Not included in this advisory are those windows, proposed allotments and proposed channel substitutions in which one of this firm's clients has expressed an interest, or for which the firm is otherwise unavailable for representation. If you are interested in applying for a channel, or if you wish us to keep track of applications filed for allocations in your area, please notify the FHH attorney with whom you normally work.