



PUBLIC NOTICE

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MEDIA BUREAU LIFTS FREEZE ON THE FILING OF TELEVISION STATION MINOR MODIFICATION APPLICATIONS AND RULEMAKING PETITIONS EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER

In order to ensure a stable technical database in connection with the DTV transition, in 2004, the Media Bureau (Bureau) froze the filing of certain full power and Class A television station minor modification applications and full power television station rulemaking petitions to amend the DTV Table of Allotments.¹ Over the course of the following years, the Bureau extended the freezes to further ensure the database remained stable in connection with the incentive auction and repacking process.² With the 2009 completion of the DTV transition and the July 13, 2020 completion of the post-incentive auction transition period,³ these freezes are no longer required. Accordingly, the Bureau will lift the freezes effective fifteen (15) days after publication of this *Public Notice* in the Federal Register.⁴

¹ 47 CFR § 73.622; *See Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*, Public Notice, 19 FCC Rcd 14810 (MB 2004) (2004 Freeze PN).

² *See, e.g., Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013) (freezing the filing of modification applications by all broadcast services in order to allow the Commission to develop a post-auction repack plan); *Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 26 FCC Rcd 7721 (MB 2011) (freezing channel substitution rulemaking proceedings in light of National Broadband Plan recommendation that the Commission reallocate television broadcast spectrum for new broadband services); *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6617-50, paras. 109-82 (2014) (describing how television stations' service areas will be preserved in the incentive auction and the need to maintain a stable database to prepare for and carry out the incentive auction).

³ *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*, GN Docket No. 12-268, Public Notice, 32 FCC Rcd 2786 (2017). Now that the post-incentive auction transition period has been completed, the Bureau will amend the rules to reflect all new full power channel assignments in a revised Table of Allotments.

⁴ Pursuant to our rules, applications granted as a result of lifting these freezes could result in the displacement of secondary stations. *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, Second Memorandum Opinion and Order, 28 FCC Rcd 14412, 14420, n.74 (2013). These stations may include secondary stations participating in the TV Broadcaster Relocation Fund (the Fund). We note that the statutory requirements for reimbursement from the Fund for secondary stations include only stations expenses incurred to construct facilities permitted pursuant to applications granted from the April 10 to June 1, 2018 Special Displacement Window and not the construction of any other displacement facilities. *See* 47 U.S.C. § 1452(j)-(n); *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, MB Docket No. 18-214 and GN Docket No. 12-268, Report and Order, 34 FCC Rcd 1690, 1701-18, paras. 22-53 (2019).

Specifically, we lift the following freezes, established in August 2004,⁵ in connection with developing a channel election and repacking process that would assign television broadcasters an in-core (at that time, channels 2-51) post-transition DTV channel:

- Petitions for rulemaking to change channels in the DTV Table of Allotments.⁶
- Petitions for rulemaking for new DTV allotments.
- Petitions to swap in-core channels.⁷
- Petitions for rulemaking to change communities of license.⁸
- Modification applications that increase a full power or Class A station's service area beyond an area that is already served.⁹

There are currently no freezes on the filing of minor modification, displacement, or digital companion channel applications for low power television and television translator stations.¹⁰ There is, however, currently a freeze on the filing of applications for new LPTV/translator stations. The Bureau will keep this freeze in place given the fact that licensed and permitted LPTV/translator stations are still being displaced as a result of modifications by full service stations as they technically adjust to their new

⁵ See 2004 Freeze PN.

⁶ The Bureau lifted this freeze in 2008 and re-imposed it in 2011. See *Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Channel Substitutions, Effective Immediately*, Public Notice, 23 FCC Rcd 8330 (MB 2008); *Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 26 FCC Rcd 7721 (MB 2011).

⁷ In 2004, the Bureau also imposed a freeze on applications to change DTV allotments among two or more licensees. The Commission had allowed broadcasters to file applications for exchanges of DTV allotments on an intra-community, intra-market, or other inter-market basis under certain circumstances in connection with clearing the 746-806 MHz television band (channels 60-69) for the introduction of new wireless services. *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules*, WT Docket No. 99-168, Third Report and Order, 16 FCC Rcd 2703, 2715, para. 25 (2001); 47 CFR § 73.622(c)(2). Band clearing of the 700 MHz band was completed in 2009 and therefore, there is no need to take any action with respect to this freeze.

⁸ The Bureau has lifted the freeze on petitions to change community of license if no technical changes to the station's facilities are required. See *Media Bureau Partially Lifts Freeze on the Filing of Petitions for Rulemaking to Change Full Power Television Stations' Communities of License*, Public Notice, 33 FCC Rcd 151 (MB 2018). Petitioners seeking to change community of license will now also be able to propose changes in stations' technical parameters.

⁹ The Bureau lifted this freeze in 2008, re-imposed it in 2013, and temporarily lifted it again in 2017 for stations that had not been reassigned to a new channel as part of the incentive auction. See *Media Bureau Temporarily Lifts Freeze on Filing of Minor Modification Applications that Expand Contours of Full Power and Class A Television Stations from November 28 Through December 7, 2017*, Public Notice, 32 FCC Rcd 9328 (MB 2017). In 2014, the Commission also froze the filing of displacement applications by Class A stations. *Freeze on the Filing of Digital Replacement Translator Station and Displacement Applications*, Public Notice, 29 FCC Rcd 3063 (MB 2014). Class A stations, which were subject to displacement during the DTV transition for engineering reasons, are no longer subject to displacement. *Id.*

¹⁰ See *Media Bureau Lifts LPTV and TV Translator Minor Change Application Filing Freeze*, Public Notice, 33 FCC Rcd 6335 (IATF/MB 2018); *Media Bureau Lifts LPTV and TV Translator Application Filing Freezes*, Public Notice, 34 FCC Rcd 1381 (IATF/MB 2019).

repacked channel locations.¹¹

Minor modification applications must be filed using the Commission's Licensing Management System (LMS). While online filing of rulemaking petitions is optional, parties are encouraged to electronically file petitions to change channel or communities of license, or for new DTV allotments, at <http://apps.fcc.gov/ecfs>.¹² Parties who choose to file by paper may send filings by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All rulemaking petitions must be addressed to Marlene H. Dortch, Secretary, Federal Communications Commission, and Office of the Secretary. Any rulemaking petition that is not addressed to the Office of the Secretary will be treated as filed on the day it is received in the Office of the Secretary.¹³

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S.
- Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.
- During the time the Commission's building is closed to the general public and until further notice,¹⁴ if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

For additional information, contact Joyce Bernstein, Joyce.Bernstein@fcc.gov, (202) 418-1647, Shaun Maher, Shaun.Maher@fcc.gov, (202) 418-2324, Kevin Harding, Kevin.Harding@fcc.gov, (202) 418-7077, or Mark Colombo, Mark.Colombo@fcc.gov, (202) 418-7611. Questions regarding the use of TVStudy to determine the availability of channels for new station allotments or channel substitutions, or for other technical changes, should be directed to Kevin Harding or Mark Colombo.

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¹¹ See *Freeze on the Filing of Applications for New Digital Low Power Television and TV Translator Stations*, Public Notice, 25 FCC Rcd 15120 (MB 2010); *Initiation of Nationwide First-Come, First-Served Digital Licensing for Low Power Television and TV Translators Postponed Until Further Notice*, Public Notice, 25 FCC Rcd 8179 (MB 2010). The Bureau did permit pending new rural LPTV/TV Translator applicants displaced by the incentive auction/repack to amend their applications to specify a new channel between channels 2 and 36 by January 31, 2020. *Filing Window for New Rural Digital Low Power Television and TV Translator Applicants Displaced by Incentive Auction and Station Repack December 2, 2019 to January 31, 2020*, Public Notice, 34 FCC Rcd 11064 (MB 2019). LPTV/TV translator stations can continue to be displaced by 600 MHz band licensees, see *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 30 FCC Rcd 12025 (2015), and by full power television station modifications and allotment changes.

¹² See also 47 CFR § 1.420(e).

¹³ See 47 CFR § 1.7.

¹⁴ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (2020).