
UPDATE

April 24, 2018

FCC Temporarily Freezes New Earth Station Applications, Announces 90-Day Window Registration Window for Operational, but Unregistered Stations

On April 19, 2018, the FCC's Internal, Public Safety and Homeland Security and Wireless Telecommunications Bureaus (collectively, the "Bureaus") released a [Public Notice](#) announcing a temporary freeze on the filing of new or modification applications for fixed-satellite service earth station licenses, receive-only earth station registrations and fixed microwave licenses in the 3.7-4.2 GHz frequency band. At the same time, the Bureaus opened a 90-day window during which entities that own or operate existing earth stations in the 3.7-4.2 GHz band may file an application to register or license the earth station if it is not currently registered or licensed.

The Bureaus are taking this unique step because the FCC has an open inquiry examining whether to open the 3.7-4.2 GHz band for additional uses. Multichannel video programming distributors ("MVPDs") should take advantage of this opportunity to review whether they have unregistered receive-only earth stations that should be registered. **By registering a receive-only earth station, an MVPD can protect against interference from other entities using the same spectrum.**

To register a receive-only earth station, an MVPD must complete FCC Form 312 (through the online [IBFS](#) database) and pay a \$435 filing fee. For purposes of the 90-day registration window, the Bureaus have waived the requirement to also submit a frequency coordination study.

If you have questions about the receive-only earth stations or FCC applications, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

Key Political Advertising Requirements to Remember as Election Season Approaches

With the primary election season approaching, and a contentious political atmosphere in our nation's capital, MVPDs should take the time now to review key political advertising requirements before receiving requests from candidates for advertising time. Federal law and FCC regulations govern the rates and terms for candidate advertising. Key provisions include:

- MVPDs are not obligated to provide political candidates access to cable systems. If a MVPD permits "use" of its system by a legally qualified candidate, it must afford "equal opportunities to all other candidates for that office."
- Candidate appearances on a bona fide newscast, bona fide news interview, bona fide news documentary (if the appearance of the candidate is incidental to the subject of the documentary), or on-the-spot coverage of bona fide news events (including political conventions) do not trigger the equal opportunity requirements.
- For candidate advertising – except for periods before a primary, general, or special election – the MVPD shall charge no more than the rates for comparable use of the

system by commercial advertisers. Discounts and other terms offered to commercial advertisers must be disclosed and offered to political advertisers.

- During the 45 days before a primary, and the 60 days before a general or special election, the MVPD may charge legally qualified candidates for public office no more than the “lowest unit charge” for advertising time. The “lowest unit charge” is the amount that the system charges “its most favored commercial advertisers for the same classes and amounts of time for the same periods.” In calculating the lowest unit charge, MVPDs must take into account any practices offered to commercial advertisers that enhance the value of advertising spots, such as bonus spots, time-sensitive make goods, and preemption priorities.
- MVPDs providing political advertising must maintain a political advertising file of all candidate requests for time and the disposition of those requests, **even if the advertising insertion is done by a 3rd party**. Any records maintained in the file must be kept for two years.

If you have questions about political advertising, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com or Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

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