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## UPDATE October 3, 2018

### **EAS National Test TODAY, October 3, 2018**

FEMA, in conjunction with the FCC, will hold the Emergency Alert System [National Test](#) today, October 3, 2018 at 2:20pm EDT. All EAS Participants, including cable operators, must participate in this nationwide test.

As part of the test process, **EAS Participants must file the “day of test” information sought by ETRS Form Two on or before 11:59pm EDT today, October 3, 2018.** EAS Participants also must file ETRS Form Three on or before November 19, 2018.

The EAS alert will be transmitted in English and Spanish and include both audio and the text of the test message, which can be used to populate an accessible video crawl.

If you have questions about EAS or about preparing your cable system for the upcoming nationwide EAS test, please contact Bruce Beard at (314) 394-1535 or [bbeard@cinnamonmueller.com](mailto:bbeard@cinnamonmueller.com).

### **Earth Station Filing Window Deadline Approaching**

The FCC’s [filing window](#) for a limited class of operational, but unregistered earth stations closes **October 17, 2018**. MVPDs therefore have two weeks left to file applications to register fixed-satellite service (“FSS”) earth station licenses currently operating in the 3.7-4.2 GHz frequency band. The Bureau also clarified filing options for operators with multiple earth station antennas.

**Registration Freeze.** This past Spring, the FCC’s International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus [announced](#) a temporary freeze on the filing of new or modification applications for fixed-satellite service earth stations, 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 (later extended) 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 opened the filing window 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 registration window, the Bureaus have waived the requirement to also submit a frequency coordination study. Applications to modify a current registration are also permitted to be filed.

**Filing Options for Operators with Multiple Earth Station Antennas.** MVPDs with multiple receive-only antennas at a single geographic location or address may apply to register these antennas under a single application and pay a single fee of \$435. Additionally, MVPDs with multiple geographically diverse receive-only earth stations may register those stations under one application for a single “network” license and pay a single fee (the “Fixed Satellite VSAT System” fee, currently \$10,620). The Bureau waived certain sections of the FCC’s rules so that operators can utilize the single “network” license option.

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

### **FCC Eliminates Form 325**

On September 26, 2018, the FCC released an [Order](#) eliminating Form 325, which collected data annually from cable television systems nationwide. The FCC took this step as part of its continuing efforts to reduce outdated rules and unnecessary regulatory burdens that can impede competition and innovation in the media marketplace.

**Form 325.** The FCC first developed Form 325 in 1966 and adopted the form as an annual filing requirement in 1971. Form 325 collected operational information from various cable television systems nationwide, including data about subscriber numbers, equipment information, plant information, frequency and signal distribution information, and programming information. The form was required to be filed annually by (i) all cable systems with 20,000 or more subscribers, and (ii) a random sampling of smaller cable systems. Each December, the FCC would notify operators required to file Form 325 and instruct the operators to file the form electronically via the FCC’s COALS system within 60 days.

In November 2017, the FCC released a Notice of Proposed Rulemaking seeking comment on whether to eliminate Form 325 or, in the alternative, improve and streamline the form. The FCC also solicited input on the continued utility of collecting Form 325 data in light of the substantial changes in the MVPD marketplace since the FCC last examined Form 325 in 1999, and on the costs associated with completing the form.

**Order Eliminating Form 325.** The FCC found that marketplace, operational and technological changes have rendered Form 325 increasingly obsolete and eliminated the filing requirement. Operators of every cable television system serving 20,000 or more subscribers, as well as a sampling of operators with systems serving fewer than 20,000 subscribers, will no longer be required to file Form 325 annually with the FCC.

If you have any questions about Form 325 or other FCC regulatory requirements, please contact Scott Friedman at (314) 462-9000 or [sfriedman@cinnamonmueller.com](mailto:sfriedman@cinnamonmueller.com).

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Please visit our website at [www.cinnamonmueller.com](http://www.cinnamonmueller.com) to learn more about our lawyers and practice. You can reach Cinnamon Mueller at (314) 462-9000. *This update is provided by the law firm of Cinnamon Mueller. The document is intended for informational purposes only as a service to clients of Cinnamon Mueller. It is not intended to provide specific legal advice or to substitute obtaining appropriate legal counsel. We encourage you to consult with counsel to address special compliance issues and for assistance in negotiating or handling any such matter referred to in the update.*