
UPDATE
October 15, 2018

Earth Station Filing Window Deadline THIS WEEK

The FCC's [filing window](#) for a limited class of operational, but unregistered earth stations closes **October 17, 2018**. MVPDs therefore have only days remaining 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.

FCC Selects MVPDs for 2018 EEO Audits

On October 4, 2018, the Media Bureau released a [Public Notice](#) identifying certain multichannel video programming distributors (“MVPDs”) that they had been randomly selected for annual Equal Employment Opportunity (“EEO”) audits. The Public Notice lists the MVPDs selected. Responses are due to the FCC by November 19, 2018.

The FCC annually audits about five percent of MVPD employment units for compliance with cable EEO rules. The audit letter requests certain data from the selected MVPD employment units, including the unit’s most recent EEO public file (which is required to be placed on the MVPD’s website), information on job openings, pending or resolved complaints filed during the past five years alleging unlawful discrimination in employment practices, and documentation demonstrating performance of the required recruitment initiatives.

All selected MVPD employment units must respond to the audit letter, but employment units with fewer than six full-time employees have more limited response requirements.

Failing to timely respond to the audit letter could result in a certification that the employment unit is not in compliance for 2018 with the FCC’s EEO rules, which may put an affected operator in violation of debt covenants or franchise requirements.

If you have any questions about EEO compliance, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

Cinnamon Mueller News: Kelsey Rejko Joins the Firm

We would like to extend a warm welcome to Kelsey Rejko, who started with Cinnamon Mueller last week. Kelsey graduated from UCLA Law last May and was recently admitted to the Missouri Bar. While in law school, Kelsey worked for UCLA Athletics ensuring regulatory compliance with the NCAA bylaws, was co-President of the Sports Law Federation, and completed a specialization in Media, Entertainment, and Technology Law and Policy (including retransmission consent!). She also worked at Wasserman Media Group where her primary responsibilities involved contract drafting and review. Kelsey was born and raised in St. Louis and completed her undergraduate at the University of Missouri where she majored in Sports Management. Welcome Kelsey!

Please visit our website at 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.*