**This Week in Regulation**

**April 30, 2022 to May 6, 2022**

Here are some of the regulatory developments of significance to broadcasters from the last week, with links to where you can go to find more information as to how these actions may affect your operations.

* Follow field testing by GeoBroadcast Solutions of its zonecasting system, the FCC opened a new comment period for interested parties to weigh in on the test results released by the company. Zonecasting technology allows FM boosters to originate some local programming so an FM broadcaster can provide different commercials or news inserts to different parts of its service area. Comments and reply comments on the test results are due by June 5 and June 21, respectively. ([Public Notice](https://docs.fcc.gov/public/attachments/DA-22-492A1.pdf))
* The FCC announced that more radio applications would soon be migrated from the now-shuttered CDBS application platform to the Licensing and Management System (LMS). Starting May 17, broadcasters must use LMS to file requests for Special Temporary Authority (STA) and extensions of STAs, among other filings. We wrote about this announcement on our Broadcast Law Blog, [here](https://www.broadcastlawblog.com/2022/05/articles/more-fcc-broadcast-applications-moving-to-lms-including-requests-for-stas/). Review the full Public Notice for additional information and filing procedures. ([Public Notice](https://docs.fcc.gov/public/attachments/DA-22-476A1.pdf))
* The FCC released a Notice of Illegal Pirate Radio Broadcasting to four separate property owners warning them that FCC agents, acting on complaints, determined that unauthorized radio broadcast signals were originating from their properties. Under the 2020 PIRATE Act, property owners can be held liable for pirate radio broadcasts, even if they are not involved in the broadcasts themselves. The property owners could face penalties of up to $2 million if they continue to allow any individual or entity to engage in pirate radio broadcasting from the property that they own or manage ([Summerville, Oregon](https://www.fcc.gov/document/kent-and-deanna-coppinger-summerville-oregon)) ([Baltimore, Maryland](https://www.fcc.gov/document/edwin-and-joyce-pitt-baltimore-maryland-21215)) ([Kissimmee, Florida](https://www.fcc.gov/document/maria-v-hernandez-kissimmee-florida-34758)) ([Philadelphia, Pennsylvania](https://www.fcc.gov/document/richard-manson-philadelphia-pa-19142)). We covered these FCC actions in more detail on the Broadcast Law Blog, [here](https://www.broadcastlawblog.com/2022/05/articles/landowners-warned-of-potential-liability-of-up-to-2000000-for-pirate-radio-operations-on-their-property/).
* The FCC resolved another 13 groups of mutually exclusive applicants from last year’s window for filing for new noncommercial FM stations, selecting the tentative winner in each group based either on a preference for coverage proposed to areas underserved by noncommercial stations or on one applicant’s significantly greater proposed coverage area ([Memorandum Opinion and Order](https://docs.fcc.gov/public/attachments/DA-22-477A1.pdf)). The FCC has yet to process mutually exclusive applications that cannot be resolved based on technical coverage. These applications will instead be processed based on the “point system” analysis that applies to NCE applications. See our articles [here](https://www.broadcastlawblog.com/2019/12/articles/fcc-adopts-changes-to-rules-for-new-noncommercial-fm-and-lpfm-stations-changing-application-processing-procedures-and-holding-periods/) and [here](https://www.broadcastlawblog.com/2020/09/articles/fcc-dismisses-petition-for-reconsideration-of-reexamination-of-noncommercial-licensing-policy-next-step-window-for-new-applications/) on the point system.
* In remarks to the American Association of People with Disabilities Tech Forum, FCC Chairwoman Jessica Rosenworcel, in highlighting the FCC’s accomplishments in advancing accessibility to various channels of communications, promised to hold additional forums on the accessibility of video programming – including looking at the accessibility of video programming delivered online ([Remarks](https://docs.fcc.gov/public/attachments/DOC-382996A1.pdf)). We wrote about the forum held last year by the FCC to consider these issues and the jurisdictional questions raised about the FCC’s review of the activities of online platforms, [here](https://www.broadcastlawblog.com/2021/12/articles/fcc-forum-on-accessibility-of-online-video-programming-looking-beyond-the-regulation-of-broadcasters/).
* A Petition for Rulemaking was filed by Fuse LLC, backed by Common Cause, National Hispanic Media Coalition, Public Knowledge, and United Church of Christ Media Justice Ministry, asking the FCC to establish an annual program diversity reporting requirement for broadcast, cable and satellite television providers and their affiliated online platforms. Fuse asks that this annual report detail the diversity of the vendors of content to these video providers – including reporting on the diversity of their full-time employees and of the leadership of networks and studios. ([Petition for Rulemaking](http://fusepress.tv/wp-content/uploads/2022/05/Programming-Vendor-Diversity-Report-05.05.22.docx.pdf)). This is merely an initial proposal for the FCC’s consideration. Several rounds of public comment would be required if the FCC decides to further consider this proposal.
* In response to the suggestion of a public interest group that the FCC block the takeover of Twitter by Elon Musk, both Republican Commissioners released statements questioning the authority of the FCC to review this merger. ([Carr Statement](https://docs.fcc.gov/public/attachments/DOC-382779A1.pdf), [Simington Comments](https://www.fcc.gov/document/simington-comments-acquisition-twitter))

Broadcasters may also be interested in our [summary of regulatory dates and deadlines for May and early June](https://www.broadcastlawblog.com/2022/05/articles/may-regulatory-dates-for-broadcasters-lms-migration-of-fcc-forms-lowest-unit-rate-windows-eeo-audits-tv-auction-fm-antenna-rulemaking-and-more/), which we published this week on our Broadcast Law Blog.

This summary of regulatory news for broadcasters comes from the attorneys at Wilkinson Barker Knauer, LLP in Washington, DC. (<https://www.wbklaw.com/>).