WILKINSON) BARKER KNAUER

2021 BROADCASTER'S CALENDAR

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December 31, 2020

2021 Calendar of Important Dates for Broadcasters¹

We are about to enter 2021 and leave behind an unusual year that caused much upheaval across the radio and television industries. A new administration will enter the White House in early 2021 and the FCC will have a new chair who will look to put his or her stamp on broadcast regulation. What will remain, however, are the many routine regulatory filings, dates, and deadlines that fill a broadcaster's calendar. These include the requirement to prepare an annual Equal Employment Opportunity ("EEO") public inspection file report, to upload quarterly issues/programs lists to the public file, and to pay annual FCC regulatory fees. Dates to note this year will also include Biennial Ownership Reports and the deadline for LPTV stations and TV translators to transition to digital operations. To help keep track of many of these general obligations, we have put together this advisory to provide a preview of many of the important FCC compliance-related dates, as well as other deadlines broadly applicable to significant portions of the broadcast industry. The calendar is not intended to cover all of the filing dates that apply to every station or licensee. Instead, the calendar is meant to highlight some of the more critical deadlines that we can identify in advance. Remember, these dates can change, and new deadlines for action can be added, so be sure to keep up with the latest developments.

The multi-year license renewal cycle that began in 2019 rolls along, with renewal applications for radio stations in Kansas, Nebraska, and Oklahoma and TV stations in Arkansas, Louisiana, and Mississippi due by February 1, 2021. Radio renewal filings will continue through April 2022, concluding with stations in Pennsylvania and Delaware. The TV renewal cycle ends in these same states in April 2023.

Even political broadcasting should not be ignored in 2021 despite it not being a year with any scheduled federal elections. Many states and municipalities do have elections in 2021. These include elections for governor in New Jersey and Virginia, as well as elections for mayor in big cities across the country. Political issue advertising has also become common throughout every year at many stations. We have noted the start of the window for lowest unit rates for the November election, but check locally for relevant dates for primaries and for local elections that may not occur in November and compute the appropriate lowest unit charge window for those political contests. And do not forget the political file obligations that attach to political advertising – even outside the political windows.

For radio broadcasters who stream their programming on the Internet, there are required payment and reporting obligations to SoundExchange for music use. Though the proceeding to set the rates that broadcasters pay for streaming sound recordings on the Internet for 2021-2025 was delayed due to COVID, the new rates, once determined, will become retroactive to January 1 and subject to a true-up process. Watch for the decision on the new royalty rates, likely in April. SoundExchange royalties need to be paid every month and stations also have obligations to pay ASCAP, BMI, SESAC, and GMR. Through litigation, arbitration, and negotiation in

¹ This calendar is intended to be a reference guide to important deadlines but is not intended to be an exhaustive list of required filings and will not be updated throughout the year. Filing requirements may change over the year, and new filing requirements may be adopted.

2020, industry agreements with BMI, SESAC, and GMR were settled or extended. We suggest that you review your agreements with these organizations to make sure you meet all required payment and reporting deadlines and watch for developments over these royalties.

Television stations have the extra burden of complying with the children's television rules and the filing of an annual children's television programming report, to be submitted on February 1 (as the normal January 30 due date is on a Saturday). Television stations providing fee-based non-broadcast services with their digital spectrum must file an annual DTV Ancillary/Supplementary Services Report (known as FCC Form 2100 Schedule G, formerly FCC Form 317) in December of each year.

Each year also bring changes from the regulatory obligations that applied in prior years, and 2021 is no different. Perhaps the biggest change you will notice from last year's calendar is the lack of entries noting stations' license renewal pre- and post-filing announcement obligations. The FCC in 2020 eliminated the pre-filing announcement obligation, so stations with renewals no longer need to run such notices. It also changed the post-filing announcement obligation from six announcements on set days over three months to a more flexible schedule of six weekday announcements over four weeks, with at least one announcement per week. This calendar cannot set out the dates these announcements should air as it has done in the past, because the timing depends on when a station files for renewal and when the renewal application is accepted for filing and the exact date for their broadcast can be selected by the broadcaster as long as they are in line with the general outlines provided in the rules.

In our calendar, we provide a description of the obligation, the due date, and the place where compliance is required (*e.g.*, through an FCC filing, an upload to the public file, etc.). Broadcasters have an online public file obligation, and they must ensure that the required documentation (such as the annual EEO public inspection file report or quarterly issues/programs lists) is uploaded by the applicable deadline to the station's FCC-hosted online public file. The online public file makes these deadlines even more important, particularly during the ongoing license renewal cycle, as interested parties (including the FCC) no longer need to come to your station and wade through paper files to review whether you have met your public file obligations. Instead, they can review your file anywhere there is an Internet connection and assess your compliance with the various public file obligations. In 2020, we saw dozens of stations enter into consent decrees with the FCC over the stations' failure to timely upload political advertising orders to their public file and this level of scrutiny is likely to continue through 2021. Don't let your station be caught with late uploads or an incomplete public file.

As the year unfolds, there will no doubt be other compliance deadlines that arise, including comment periods for various rulemakings. We try to provide information about many of these deadlines, and about other regulatory issues on our blog: <u>www.broadcastlawblog.com</u>. Check the blog regularly, sign-up for email alerts about new posts, or get in touch with any of the attorneys in our <u>Broadcast Group</u> for more information about the many deadlines and other issues that will be important to broadcasters in 2021.

With that background and an important reminder to check with your accountant, tax advisor, and local counsel on dates for filings such as those relating to local business and real estate fees and taxes, filing dates for Equal Employment Opportunity Commission

submissions for large employers, and other requirements that may be applicable to your station(s), some important dates for 2021 are set out in the calendar that follows.

JANUARY 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
	Quarterly Issues/Programs List covering the 4 th Quarter of 2020—October 1, 2020 through December 31, 2020	Stations' Online Public Inspection Files	Full Power and Class A Television Stations; Commercial and Noncommercial AM and FM Radio Stations
January 10, 2021	Documentation of On-Air Fundraising by Noncommercial Educational Stations benefitting third parties from October 1, 2020 through December 31, 2020	Stations' Online Public Inspection Files	Noncommercial Educational Stations That Conducted Third-Party On-Air Fundraising
	Documentation of Class A Television Continuing Eligibility for October 1, 2020 through December 31, 2020	Stations' Online Public Inspection Files	Class A Television Stations
	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending Nov. 30, 2021	SoundExchange	Webcasters
January 30, 2021	Certification of Compliance with Commercial Limits in Children's Programming for January 1, 2020 through December 31, 2020 ²	Stations' Online Public Inspection Files	All Full Power and Class A Television Stations

 $^{^{2}}$ In a recent <u>webinar</u>, FCC staff indicated that the deadline was February 1, presumably as the 30th is a Saturday. Confirm this informal staff advice with your own counsel before relying on that advice.

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
January 31, 2021	Copyright Royalty Fee; Annual, Nonrefundable Minimum Fee of \$500 for Each Channel and Station	SoundExchange	Commercial Webcasters (including broadcast simulcasts)

FEBRUARY 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Television, Class A, LPTV and TV Translator Stations in Arkansas, Louisiana, and Mississippi
	Annual Children's Television Programming Report (Form 2100, Schedule H) ³	FCC	All Full-Power and Class A Television Stations
February 1, 2021	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Commercial and Noncommercial Full-Power AM, FM, and LPFM Radio Stations in Kansas , Nebraska , and Oklahoma
	Annual EEO Public File Report	Stations' Online Public Inspection File and Station Website	Radio and Television station Employment Units in Arkansas, Kansas, Louisiana, Mississippi. Nebraska, New Jersey, New York, and Oklahoma
February 14, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending Dec. 31, 2020	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet

³ These reports are normally due to be filed on January 30 of each year but, as that date is on a weekend, the filing deadline this year will be February 1.

MARCH 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
March 13, 2021	Deadline for LPTV/TV Translator Requests for 6-Month Extension of July 13, 2021 Digital Construction Deadline	FCC	Affected Licensees/Permittees
March 17, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending Jan. 31, 2021	SoundExchange	Webcasters

APRIL 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Commercial and Noncommercial Full-Power AM, FM, LPFM, and FM Translator Radio Stations in Texas
April 1, 2021	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Television, Class A, LPTV and TV Translator Stations in Indiana, Kentucky, and Tennessee
	Annual EEO Public File Report	Stations' Online Public Inspection File; Station Website	Radio and Television Station Employment Units in Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, and Texas
	Quarterly Issues/Programs List covering the 2 nd Quarter—January 1, 2021 through March 31, 2021	Stations' Online Public Inspection File	All Full-Power Radio, Full- Power Television, and Class A Television Stations
April 10, 2021	Documentation of Class A Television Continuing Eligibility for January 1, 2021 through March 30, 2021	Stations' Online Public Inspection File	Class A Television Stations
	Documentation of On-Air Fundraising by Noncommercial Educational Stations Benefitting Third Parties from January 1, 2021 through March 31, 2021	Stations' Online Public Inspection File	Noncommercial Educational Stations that Conducted Third-Party On-Air Fundraising

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
April 10, 2021 cont.	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their
	of Account Forms for the Month Ending February 28, 2021		Programming over the Internet

<u>MAY 2021</u>

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
May 15, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending March 31, 2021	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet

JUNE 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Television, Class A, LPTV and TV Translator Stations in Michigan and Ohio
June 1, 2021	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Commercial and Noncommercial Full-Power AM, FM, LPFM, and FM Translator Radio Stations in Arizona, Idaho, Nevada, New Mexico, Utah, and Wyoming
	Annual EEO Public File Report	Stations' Online Public Inspection File; Station Website	Radio and Television Station Employment Units in Arizona, DC, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia, and Wyoming
June 14, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending April 30, 2021	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet

JULY 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
	Documentation of Class A Television Continuing Eligibility for April 1, 2021 through June 30, 2021	Stations' Online Public Inspection File	Class A Television Stations
Luby 10, 2021	Quarterly Issues/Programs List Covering the 2 nd Quarter—April 1, 2021 through June 30, 2021	Stations' Online Public Inspection File	All Full-Power Radio, Full- Power Television, and Class A Television Stations
July 10, 2021	Documentation of On-Air Fundraising by Noncommercial Educational Stations Benefitting Third Parties from April 1, 2021 through June 30, 2021	Stations' Online Public Inspection File	Noncommercial Educational Stations that Conducted Third-Party On-Air Fundraising
	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending May 31, 2021	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet
July 13, 2021	Deadline for Low Power and Translator Television Stations to Transition to Digital Operations		All Low Power Television and Translator Stations

AUGUST 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
August 1, 2021	Annual EEO Public File Report	Stations' Online Public Inspection File; Station Website	Radio and Television Station Employment Units in California, Illinois, North Carolina, South Carolina, and Wisconsin
August 2, 2021	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396) ⁴	FCC	Television, Class A, LPTV, and TV Translator Stations in Illinois and Wisconsin
	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396) ⁵	FCC	Commercial and Noncommercial Full-Power AM, FM, LPFM, and FM Translator Radio Stations in California
August 14, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending June 30, 2021	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet

⁴ The renewal would normally be due on August 1 but, as the filing deadline falls on a weekend, the filing deadline will be August 2. ⁵ See footnote above.

SEPTEMBER 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
September 3, 2021	Lowest Unit Charge Window Opens for November 2, 2021 General Election – including Statewide and Legislative Offices in New Jersey and Virginia and Mayoral Offices in Atlanta, GA, Boston, MA, Detroit, MI, Fort Worth, TX, Miami, FL, Minneapolis, MN, New Orleans, LA, New York, NY, and Seattle, WA ⁶	N/A	Broadcast Stations that Sell Advertising to Candidates Running for Office in the 2021 General Election
September 14, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—must file Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending July 31, 2021	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet
September, 2021 ⁷	Annual FCC Regulatory Fees Payment	FCC	Commercial Full-Power and Class A Television Stations, TV Translators, TV Boosters, and Commercial AM and FM Radio Stations, FM Translators, and FM Boosters

⁶ This is not a complete list of offices holding elections in 2021. Stations should consult their state and local election authorities for more information on whether their state or city has elections in 2021.

⁷ The payment date of annual FCC regulatory fees is usually determined during the summer. In recent years, the deadline has been announced at the end of August. However, the deadline for payment is typically set for a date in mid to late September, as the fees must be paid before the government's new fiscal year starts on October 1.

OCTOBER 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Commercial and Noncommercial Full-Power AM, FM, LPFM, and FM Translator Radio Stations in Alaska, American Samoa, Guam, Hawaii, Marianas Islands, Oregon, and Washington
October 1, 2021	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Television, Class A, LPTV, and TV Translator Stations in Iowa and Missouri
	Annual EEO Public File Report	Stations' Online Public Inspection File; Station Website	Radio and Television station Employment Units in Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, N. Mariana Islands, Missouri, Oregon, Puerto Rico, Virgin Islands, and Washington
October 8, 2021	Final Deadline to Submit Invoices and Documentation for Costs Associated with the Incentive Auction Repack	FCC Form 2100, Schedule 399	TV Stations in Repack Phases 1 to 5
October 10, 2021	Documentation of Class A Television Continuing Eligibility for July 1, 2021 through September 30, 2021	Stations' Online Public Inspection File	Class A Television Stations

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
October 10, 2021 cont.	Quarterly Issues/Programs List covering the 3 rd Quarter—July 1, 2021 through September 30, 2021	Stations' Online Public Inspection File	All Full-Power Radio, Full- Power Television, and Class A Television Stations
	Documentation of On-Air Fundraising by Noncommercial Educational Stations Benefitting Third Parties from April 1, 2021 through June 30, 2021	Stations' Online Public Inspection File	Noncommercial Educational Stations that Conducted Third-Party On-Air Fundraising
October 15, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the
	August 31, 2021		Internet

NOVEMBER 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
November 2, 2021	General Election Day Lowest Unit Charge Window Closes for Elections Being Held on This Date	N/A	Broadcast Stations that Sold Advertising to Candidates Running for Office in the 2021 General Election
November 14, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending September 30, 2021	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet

DECEMBER 2021

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
December 1, 2021	FCC Form 2100, Schedule G, Annual DTV Ancillary/Supplementary Services Report Due—That Provided Feeable Ancillary or Supplementary Services During the 12- Month Period Ending on September 30, 2021	FCC	Commercial and Noncommercial Full-Power and Digital Class A Television Stations, Digital LPTV Stations That Have Fee-Based, Non-Broadcast Revenues from Their Digital Transmission Capabilities
	FCC Form 323 and 323-E Biennial Ownership Reports Due	FCC	All Commercial and Noncommercial AM, FM, TV, Class A, and LPTV Stations
	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Commercial and Noncommercial Full-Power AM, FM, LPFM, and FM Translator Radio Stations in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
	Broadcast Renewal Application (Form 303-S) and Equal Employment Opportunity Report (Form 396)	FCC	Television, Class A, LPTV, and TV Translator Stations in Colorado, Minnesota, Montana, North Dakota, and South Dakota

DEADLINE FOR ACTION, FILING OR PAYMENT	WHAT ACTION IS REQUIRED or WHAT MUST BE FILED OR PAID?	WHERE MUST IT BE FILED OR PAID?	WHO MUST FILE OR ACT?
December 1, 2021 cont.	Annual EEO Public File Report	Stations' Online Public Inspection File; Station Website	Radio and Television Station Employment Units in Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont
December 15, 2021	Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Must File Monthly Report of Use and Monthly Usage Statement of Account Forms for the Month Ending October 31, 2021	SoundExchange	Commercial and Noncommercial Webcasters and Those Broadcast Stations Simulcasting Their Programming over the Internet