

2023 Broadcasters' Calendar

Items of Note in 2023¹

- I. *Commercial and Noncommercial Biennial Ownership Report:* December 1, 2023 is the deadline by which all commercial and noncommercial radio and television stations must file their biennial ownership reports. Commercial stations will file FCC Form 2100, Schedule 323, and noncommercial stations will file FCC Form 2100, Schedule 323-E. The filing window opens October 1, 2023, and all ownership reports must reflect information current as of that date.

- II. *Applications for Renewal of License:* The three-year long state-by-state license renewal cycle ends in April 2023 for stations in the television services (full-power television, Class A television, LPTV, and TV Translator). The three-year renewal cycle for stations in the radio services (AM, FM, FM Translator, and LPFM) ended in April 2022. Stations will file their license renewal applications on FCC Form 2100, Schedule 303-S ("Form 303-S") along with their Equal Opportunity Employment Reports on Form 2100, Schedule 396 ("Form 396"). The date by which the licensee must file a station's application for license renewal depends on the state or territory of the station's community of license. All licensees should familiarize themselves now with the dates associated with this important filing. As noted in previous Calendars, stations are no longer required to air pre-filing announcements during the two months preceding the filing of their license renewal application and instead need only air six post-filing announcements over four consecutive weeks, beginning within five business days after the FCC has "accepted for filing" their license renewal application. Additional information can be found in our License Renewal Advisories published on [CommLawCenter](#) prior to each state-by-state application deadline.

- III. *TV Spectrum Repack Progress Report and Reimbursement Deadlines:* Because the 39-month post-auction transition period for full-power and Class A television stations ended in 2020, the post-repack Transition Progress Report (FCC Form 2100, Schedule 387) filing deadlines are not

¹ The deadlines in the **2023 Broadcasters' Calendar** are based on information known as of the date hereof and may or may not apply to any particular broadcaster. They are provided for general informational purposes only and should be double-checked for currency close to each pertinent date/deadline. Actions by the FCC, Congress, or the courts could affect any of these deadlines by, for example, eliminating a particular reporting/filing obligation altogether or modifying the form used, content, deadline, fee, or manner of reporting/filing. It should also be noted that, as a general rule, when a deadline for filing a document *with the FCC* falls on a weekend or a federal holiday, the filing deadline shifts to the next business day. The listing below is not intended to be complete or exhaustive of all regulatory and non-regulatory deadlines that may apply to a given broadcaster year-to-year. Accordingly, broadcasters should seek the advice of communications counsel to assure timely and proper filing. This edition of our annual Broadcasters' Calendar supersedes all prior editions and accordingly any prior editions should no longer be used.

noted in this year's calendar. However, stations that received an extension of time to complete their transition must continue to file Transition Progress Reports on a quarterly basis until they have ceased operating on their pre-repack channels, completed construction of their post-repack facilities, and reported that information to the FCC. In addition to these quarterly reports, transitioning stations must file Transition Progress Reports ten weeks before the end of their assigned construction deadline, ten days after completion of all work related to constructing their post-repack facilities, and five days after ceasing operations on their pre-auction channel. Throughout 2021 and 2022, all repacked full-power and Class A television stations and FM stations and LPTV/translator stations that sought reimbursement had to submit all invoices and supporting documentation, and initiate interim close-out procedures. The FCC announced in February 2022 that it intends to visit a random sample of Broadcaster Relocation Fund participants² to verify the existence and operational status of equipment for which the participant received reimbursement.

January 1

Audio Description Requirements Extend to Nielsen Designated Market Areas 81 to 90—Commercial television stations affiliated with one of the top four broadcast networks and assigned to the Madison, Waco-Temple-Bryan, Harlingen-Weslaco-Brownsville-McAllen, Paducah-Cape Girardeau-Harrisburg, Colorado Springs-Pueblo, Shreveport, Syracuse, Champaign and Springfield-Decatur, Savannah, or Cedar Rapids-Waterloo-Iowa City and Dubuque Nielsen Designated Market Areas must comply with the FCC's audio description (formerly video description) rules.

January 10

Quarterly Issues/Programs List Due—All full-power radio, full-power television, and Class A television stations must upload to their Public Inspection File by this date the Quarterly Issues/Programs List covering the period October 1, 2022 through December 31, 2022.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their Public Inspection File sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period October 1, 2022 through December 31, 2022 and upload it to their Public Inspection File.

Quarterly Fundraising Reports—All noncommercial educational TV and radio stations that changed or suspended their regular on-air content to conduct third-party fundraising to benefit a non-profit organization must generate relevant documentation for the period October 1, 2022 through December 31, 2022 and upload it to their Public Inspection File by this date.

January 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending November 30, 2022 by this date.

January 30

Annual Children's Television Programming Report Due—Commercial full-power and Class A television stations must by this date file FCC Form 2100, Schedule H (formerly FCC Form 398)

²

demonstrating their responsiveness to “the educational and informational needs of children” during calendar year 2022.

Annual Certification of Children’s Commercial Time Limitations Due—Commercial full-power and Class A television stations must upload to their Public Inspection File by this date records “sufficient to verify compliance” with the FCC’s commercial limitations in children’s programming broadcast during calendar year 2022.

January 31

Copyright Royalty Fee: Annual Minimum Fee Statement of Account Form Due—By this date, most commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must submit the **Minimum Fee Statement of Account Form** and the annual copyright royalty fee to SoundExchange. January 31 is also the date by which certain noncommercial educational webcasters, such as student-run noncommercial educational stations simulcasting their programming over the Internet, may elect to pay a \$100 fee to obtain a waiver of certain reporting requirements for the upcoming calendar year. If your radio station is simulcast or rebroadcast over the Internet, we encourage you to consult qualified counsel with regard to your obligations.

February 1

Filing of Applications for Renewal of License for Television Stations—Full-power television, Class A television, LPTV, and TV Translator stations licensed to communities in **New Jersey or New York** must file by this date their applications for renewal of license on FCC Form 303-S, along with their Equal Opportunity Employment Reports on FCC Form 396, and commercial stations must promptly submit to the FCC the renewal application filing fee.

Post-Filing Announcements for Television Stations—Full-power television and Class A television stations, as well as **LPTV stations capable of local origination**, licensed to communities in **New Jersey or New York** must begin to air post-filing announcements within five business days after the FCC has released the acceptance public notice for the license renewal application. **TV Translator stations**, as well as **LPTV stations not capable of local origination**, must arrange for the required online public notice of their license renewal application filing. *See Item of Note II above for additional information.*

Annual EEO Public Inspection File Report Due—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, or Oklahoma** must by this date upload to their Public Inspection File and post on their station website a report regarding station compliance with the FCC’s EEO Rule during the period February 1, 2022 through January 31, 2023. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our [EEO Advisory](#).

February 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending December 31, 2022 by this date.

March 17

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their

programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending January 31, 2023 by this date.

April 1

Filing of Applications for Renewal of License for Television Stations—Full-power television, Class A television, LPTV, and TV Translator stations licensed to communities in **Delaware or Pennsylvania** must file by this date their applications for renewal of license on FCC Form 303-S, along with their Equal Opportunity Employment Reports on FCC Form 396, and commercial stations must promptly submit their FCC license renewal application filing fee. Note that because this filing deadline falls on a weekend, submission of this item to the FCC may be made on April 3.

Post-Filing Announcements for Television Stations—Full-power television and Class A television stations, as well as **LPTV stations capable of local origination** licensed to communities in **Delaware or Pennsylvania** must begin to air post-filing announcements within five business days after the FCC has released the acceptance public notice for the license renewal application. **TV Translator stations**, as well as **LPTV stations not capable of local origination**, must arrange for the required online public notice of their license renewal application filing. *See Item of Note II above for additional information.*

Annual EEO Public Inspection File Report Due—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, or Texas** must by this date upload to their Public Inspection File and post on their station website a report regarding station compliance with the FCC's EEO Rule during the period April 1, 2022 through March 31, 2023. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our [EEO Advisory](#).

April 10

Quarterly Issues/Programs List Due—All full-power radio, full-power television, and Class A television stations must upload to their Public Inspection File by this date the Quarterly Issues/Programs List covering the period January 1, 2023 through March 31, 2023.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their Public Inspection File sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period January 1, 2023 through March 31, 2023 and upload it to their Public Inspection File.

Quarterly Fundraising Reports—All noncommercial educational TV and radio stations that changed or suspended their regular on-air content to conduct third-party fundraising to benefit a non-profit organization must generate relevant documentation for the period January 1, 2023 through March 31, 2023 and upload it to their Public Inspection File by this date.

April 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending February 28, 2023 by this date.

April

EEO 1 Report—Broadcasters that are subject to the federal Equal Employment Opportunity Commission's (EEOC) reporting requirements must file their EEO 1 Report (Form 100) annually. The EEOC has

announced that the 2022 EEO-1 Component 1 data collection is tentatively scheduled to open in **April 2023**. Private employers that have 100 or more employees at a single establishment or collectively have 100 or more employees at multiple establishments, as well as certain federal contractors, are generally subject to this requirement and must complete the report based on employment data from a single pay period during October, November, or December 2022. We encourage you to consult with counsel on the filing and visit <https://www.eeoc.gov/employers/eo-reports-surveys> for additional background.

May 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending March 31, 2023 by this date.

June 1

Annual EEO Public Inspection File Report Due—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Arizona, the District of Columbia, Idaho, Maryland, Michigan, Nevada, New Mexico, Ohio, Utah, Virginia, West Virginia, or Wyoming** must by this date upload to their Public Inspection File and post on their station website a report regarding station compliance with the FCC's EEO Rule during the period June 1, 2022 through May 31, 2023. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our [EEO Advisory](#).

June 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending April 30, 2023 by this date.

July 10

Quarterly Issues/Programs List Due—All full-power radio, full-power television, and Class A television stations must upload to their Public Inspection File by this date the Quarterly Issues/Programs Lists covering the period April 1, 2023 through June 30, 2023.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their Public Inspection File sufficient to demonstrate continuing compliance with the FCC's Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period April 1, 2023 through June 30, 2023 and upload it to their Public Inspection File.

Quarterly Fundraising Reports—All noncommercial educational TV and radio stations that changed or suspended their regular on-air content to conduct third-party fundraising to benefit a non-profit organization must generate relevant documentation for the period April 1, 2023 through June 30, 2023 and upload it to their Public Inspection File by this date.

July 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their

programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending May 31, 2023 by this date.

July 31

Copyright Royalty Claims Due—Television stations with locally-produced programming whose signals were carried as distant signals by at least one cable or satellite system in 2022 are eligible to file royalty claims for compensation with the Copyright Office in Washington, DC by this date. Under the federal Copyright Act, cable systems and satellite operators must pay “compulsory license” royalties to carry distant TV signals on their systems. The royalties are used to compensate the owners of copyrighted works broadcast on those signals. Stations that do not file claims by this deadline will not be able to collect royalties for distant carriage of their signals during 2022.

August 1

Annual EEO Public Inspection File Report Due—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **California, Illinois, North Carolina, South Carolina, or Wisconsin** must by this date upload to their Public Inspection File and post on their station website a report regarding station compliance with the FCC’s EEO Rule during the period August 1, 2022 through July 31, 2023. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our [EEO Advisory](#).

August 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending June 30, 2023 by this date.

September 1

Regulatory Fees Announced—The FCC is expected to release a Public Notice this month indicating the date by which annual regulatory fees must be filed and the amounts of those fees. Broadcasters should watch for this announcement.

September 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending July 31, 2023 by this date.

October 1

Broadcast Television Carriage Election—All commercial full-power television and qualifying Class A television stations must by this date elect retransmission consent or must-carry status for the January 1, 2024 to December 31, 2026 period. Such stations must upload to the “Must-Carry or Retransmission Consent” folder of their Public Inspection File a statement noting their election(s) and retain that documentation in their Public Inspection File for the duration of the three-year period. A station changing its election from what it elected for the preceding three-year period must also notify the relevant cable and satellite providers by email (with a copy sent to ElectionNotices@fcc.gov), and upload copies of these notices to its Public Inspection File. Noncommercial television stations requesting mandatory carriage must place in their Public Inspection File a copy of that request if they had not already done so for a previous election cycle (as the earlier election remains in effect). Qualifying LPTV stations, which are not required to maintain a Public Inspection File, should have

notified cable and satellite providers of their election by email in 2020, and must by this date notify cable and satellite providers by email only if they are changing their election for the upcoming three-year period. A copy of such emails must also be sent to ElectionNotices@fcc.gov.

Annual EEO Public Inspection File Report Due—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Alaska, American Samoa, Florida, Guam, Hawaii, Iowa, the Mariana Islands, Missouri, Oregon, Puerto Rico, the Virgin Islands, or Washington** must by this date upload to their Public Inspection File and post on their station website a report regarding station compliance with the FCC’s EEO Rule during the period October 1, 2022 through September 30, 2023. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our [EEO Advisory](#).

Commercial and Noncommercial Biennial Ownership Reports Filing Window Opens—The filing window for commercial stations to file FCC Form 2100, Schedule 323 (Ownership Report for Commercial Broadcast Stations) and for noncommercial stations to file FCC Form 2100, Schedule 323-E (Ownership Report for Noncommercial Broadcast Stations) opens on this date. All reports must reflect information current as of October 1, 2023. If a broadcast station is sold between October 1, 2023 and the filing date, a biennial ownership report must be filed by the party that owned the station as of October 1, 2023. See *Item of Note 1 above for additional information*.

October 10

Quarterly Issues/Programs List Due—All full-power radio, full-power television, and Class A television stations must upload to their Public Inspection File by this date the Quarterly Issues/Programs List covering the period July 1, 2023 through September 30, 2023.

Class A Television Continuing Eligibility Certification—Class A television stations are required to maintain documentation in their Public Inspection File sufficient to demonstrate continuing compliance with the FCC’s Class A eligibility requirements. We recommend that by this date Class A television stations generate such documentation for the period July 1, 2023 through September 30, 2023 and upload it to their Public Inspection File.

Quarterly Fundraising Reports—All noncommercial educational TV and radio stations that changed or suspended their regular on-air content to conduct third-party fundraising to benefit a non-profit organization must generate relevant documentation for the period July 1, 2023 through September 30, 2023 and upload it to their Public Inspection File by this date.

October 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending August 31, 2023 by this date.

November 14

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending September 30, 2023 by this date.

December 1

Annual EEO Public Inspection File Report Due—Station Employment Units that have five or more full-time employees and are comprised of **radio and/or television stations** licensed to communities in **Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, or Vermont** must by this date upload to their Public Inspection File and post on their station website a report regarding station compliance with the FCC's EEO Rule during the period December 1, 2022 through November 30, 2023. A more detailed review of station EEO obligations and the steps for implementing an effective EEO program can be found in our [EEO Advisory](#).

Commercial and Noncommercial Biennial Ownership Reports Due—Commercial stations are required to file FCC Form 2100, Schedule 323 (Ownership Report for Commercial Broadcast Stations) and noncommercial stations must file FCC Form 2100, Schedule 323-E (Ownership Report for Noncommercial Broadcast Stations) by this date. All reports must reflect information current as of October 1, 2023. In cases where a broadcast station is sold between October 1, 2023 and the filing date, a biennial ownership report must be filed by the party that owned the station as of October 1, 2023. *See Item of Note I above for additional information.*

FCC Form 2100, Schedule G, Annual DTV Ancillary/Supplementary Services Report Due—Commercial television, Class A television, and LPTV stations that provided feeable ancillary or supplementary services during the 12-month period ending on September 30, 2023 must by this date file FCC Form 2100, Schedule G with the FCC. Concurrent with its filing, the station is required to pay to the FCC five percent of the gross revenue derived from such services.

December 12

Transmission of EAS Messages in Internet Protocol-Based Format—All radio and TV broadcasters must start transmitting EAS messages in the IP-based Common Alerting Protocol format, when available.

December 15

Copyright Royalty Fee: Monthly Report of Use and Monthly Usage Statement of Account Forms Due—Commercial and noncommercial webcasters and those broadcast stations simulcasting their programming over the Internet must file Monthly Report of Use and Monthly Usage Statement of Account forms with SoundExchange for the month ending October 31, 2023 by this date.

December 31

Pillsbury's 2024 Broadcasters' Calendar—By this date, broadcast stations in all states should ensure they have obtained a copy of Pillsbury's *2024 Broadcasters' Calendar*, and be prepared for another year packed with regulatory deadlines.

For further information about this Advisory, please contact any of the following attorneys in the Communications Practice Group.

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