



Federal Communications Commission
Washington, D.C. 20554

May 1, 2018

DA 18-441

SMALL ENTITY COMPLIANCE GUIDE
Amendment of Parts 74, 76 and 78 of the Commission's Rules
Regarding Maintenance of Copies of FCC Rules
FCC 18-16
MB Docket No. 17-231
Released: February 20, 2018

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

Through this *Report and Order* in MB Docket No. 17-231, the Commission eliminates provisions of the Commission's rules that obligate certain broadcasters and cable entities to maintain paper copies of Commission rules.

Specifically, the *Report and Order* eliminates: (i) the requirement that licensees or permittees of low power TV, TV translator, and TV booster stations maintain a copy of Volume I and Volume III of the Commission's rules; (ii) the requirement that licensees or permittees of FM translator and FM booster stations maintain a copy of Volumes I (Parts 0, 1, 2 and 17) and III (Parts 73 and 74) of the Commission's rules; (iii) the requirement that certain cable operators maintain a copy of Part 76 of the Commission's rules and, if subject to the Emergency Alert System (EAS) rules contained in Part 11 of such rules, an EAS Operating Handbook; and (iv) the requirements that cable television relay station (CARS) licensees maintain a copy of Part 78 of the Commission's rules and, in cases where aeronautical obstruction markings of antennas are required, Part 17 of such rules. The *Report and Order* finds that eliminating these recordkeeping requirements will remove an outdated and unnecessary regulatory burden that may impede competition and innovation in media markets.

II. COMPLIANCE REQUIREMENTS

The *Report and Order* eliminates provisions of the Commission's rules that obligate the following broadcast and cable entities to maintain paper copies of Commission rules: (1) low power TV, TV translator, and TV booster stations, (2) FM translator and FM booster stations, (3) cable operators serving 1,000 or more subscribers, and (4) cable television relay station (CARS).

Low power TV, TV translator, and TV booster stations (47 CFR § 74.769)

- The *Report and Order* eliminates rule provisions requiring that stations maintain a current copy of Volume I and Volume III of the Commission's rules, and retains provisions requiring the subject entities to be familiar with the rules governing their operations.

FM translator and FM booster stations (47 CFR § 74.1269)

- The *Report and Order* eliminates rule provisions requiring that stations maintain a current copy of Volumes I (Parts 0, 1, 2 and 17) and III (Parts 73 and 74) of the Commission's rules, and retains provisions requiring the subject entities to be familiar with the rules governing their operations.

Cable operators serving 1,000 or more subscribers (47 CFR § 76.1714(a))

- The *Report and Order* eliminates rule provisions requiring that cable operators maintain a current copy of Part 76 of the Commission's rules and, if subject to the Emergency Alert System (EAS) rules contained in Part 11, an EAS Operating Handbook. The *Report and Order* retains provisions requiring the subject cable entities to be familiar with the rules governing their operations.

Cable television relay station (CARS) (47 CFR §§ 76.1714(c), 78.67)

- The *Report and Order* eliminates rule provisions requiring that CARS licensees maintain a current copy of Part 78 of the Commission's rules and, in cases where aeronautical obstruction markings of antennas are required, a current copy of Part 17. The *Report and Order* retains provisions requiring the subject cable entities to be familiar with the rules governing their operations.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *Report and Order* did not create any new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The rules in the *Report and Order* became effective upon publication of the text or summary thereof in the Federal Register, i.e., on March 30, 2018.

V. INTERNET LINKS

A copy of the *Maintenance of Copies of FCC Rules Order*, is available at:

https://apps.fcc.gov/edocs_public/attachmatch/DOC-346577A1.pdf.

A copy of the Federal Register Summary of the *Maintenance of Copies of FCC Rules Order* is available at:

<https://www.federalregister.gov/documents/2018/03/30/2018-06029/maintenance-of-copies-of-fcc-rules>.