March 5, 2018

Marlene H. Dortch, Esq.

Secretary

Federal Communications Commission

445 12th Street SW

Washington DC 20554

Re: Notice of Ex Parte Communication, MB Docket Nos. 17-264, 17-105, 05-6

Dear Ms. Dortch:

On March 1, 2018, representatives of the National Association of Broadcasters (NAB) met with staff of the Media Bureau to discuss the above-captioned proceedings. A complete list of meeting attendees is attached.

Consistent with our comments,[[1]](#footnote-1) NAB urged the Commission to eliminate its rules requiring broadcast licensees to provide public notices for filing various license applications. As reflected in our comments, broadcast-initiated notices do not generate public comment.[[2]](#footnote-2) As a result, the current rules place unnecessary burdens on broadcasters without providing a corresponding public interest benefit. We emphasized that any notice requirement the Commission adopts should ensure that the notice is meaningful and effective while avoiding undue burdens on broadcasters.

As an alternative to eliminating broadcaster-generated notices, NAB has urged the FCC to eliminate its newspaper notice requirements and permit broadcasters to make brief on-air announcements that refer audiences to websites with additional information.[[3]](#footnote-3) There, we observed that the Commission could rely on its successful adoption of online disclosure requirements for material terms relating to broadcast contests. During the meeting, we discussed practical ways to implement such an online disclosure requirement. For example, as in the contest rules context, an updated public notice rule could require licensees to place online notices on a “publicly accessible” website available 24/7, for free, with no registration required;[[4]](#footnote-4) and broadcast the address of the website with “information sufficient for a consumer to find [the applications] easily.”[[5]](#footnote-5)

NAB also observed that there are significant variances in the rules as to how long, how often, and at what times broadcasters must make notices, depending on the type of application or broadcast service at issue. We urged the Commission to consider whether there were ways to streamline these requirements to make them more similar across applications and services.

FCC staff raised questions about how a combination of on-air and online notices could apply to licensees who are unable to make on-air announcements, either because they are not yet on-the-air in their proposed communities of license (e.g., new stations or stations changing their communities of license) or because they do not originate programming (translators, boosters, and certain low power television stations). While NAB understands the practical challenges posed by such applications, we believe that newspaper notices are ineffective and should be eliminated, and that reliance on FCC-generated public notices of these applications is appropriate. We will continue to work with FCC staff to consider other solutions for these relatively narrow cases.

NAB appreciates the Commission’s ongoing efforts to update regulations through its media modernization proceedings.

Respectfully submitted,

A picture containing sky, tree, outdoor

Description generated with very high confidence

Erin L. Dozier

Senior Vice President and Deputy General Counsel

Legal and Regulatory Affairs

cc: Michelle Carey, Mary Beth Murphy, Martha Heller, Barbara Kreisman, Al Shuldiner, Raelynn Remy

**Meeting Attendees**

**FCC Media Bureau Staff**

Michelle Carey

Mary Beth Murphy

Martha Heller

Barbara Kreisman

Al Shuldiner

Raelynn Remy

**National Association of Broadcasters Staff**

Erin Dozier

Emmy Parsons

Jerianne Timmerman

Antrell Tyson

1. *See* Comments of National Association of Broadcasters, MB Docket Nos. 17-264, 17-105, 05-6 (Dec. 29, 2017). [↑](#footnote-ref-1)
2. *Id.* at 8. [↑](#footnote-ref-2)
3. *Id.* at 10-11 (citing *Amendment of Section 73.1216 of the Commission’s Rules Related to Broadcast Licensee-Conducted Contests,* Report and Order, 30 FCC Rcd 10468 (2015)(Contest Order)). [↑](#footnote-ref-3)
4. Contest Order at ¶ 11. [↑](#footnote-ref-4)
5. Contest Order at ¶ 12. NAB proposed that, as in the contest rule context, FCC should again decline to require that licensees broadcast the “complete, direct website address.” Requiring a complete website address would be both burdensome to broadcasters and confusing to the public. *Id.*  [↑](#footnote-ref-5)