



March 7, 2019

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 6, 2019, representatives of the National Association of Broadcasters (NAB) met with staff of the Media Bureau to discuss the above-captioned proceedings. A list of meeting attendees is attached.

As an alternative to eliminating broadcaster-generated notices entirely, 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.¹ We have encouraged the Commission to rely on its successful adoption of online disclosure requirements for the material terms of broadcast contests as a model here.²

During the meeting, we reiterated our support for this approach. We stated that, while options for making required disclosures are always desired, we anticipated that most broadcasters would benefit from and be able to comply with an application notice rule that required a combination of a brief on-air announcement with a reference to a website.

Now, based on additional information, NAB is concerned that some stations will face challenges if a revised rule mandated an on-air/online notice requirement as the only option, and that they may incur new burdens not outweighed by reducing the length of the on-air announcements required under current rules.³ This is especially the case where the

¹ See Comments of National Association of Broadcasters, MB Docket Nos. 17-264, 17-105, 05-6 (Dec. 29, 2017).

² *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)). See also Letter to Marlene H. Dortch, Secretary, FCC from Erin L. Dozier of NAB, MB Docket Nos. 17-264, 17-105, 05-6 (Apr. 13, 2018) (NAB April 13, 2018 Ex Parte); Letter to Marlene H. Dortch, Secretary, FCC from Erin L. Dozier, NAB, MB Docket Nos. 17-264, 17-105, 05-6 (Mar. 5, 2018) (NAB March 5, 2018 Ex Parte).

³ Specifically, such a revised rule could adversely affect the small minority of broadcast stations that do not have their own websites or that pay others to maintain their sites.

current rule, due to the type of application or type of licensee involved, only requires on-air notice. Accordingly, NAB urges the Commission to establish an on-air/online compliance option, but retain an on-air only option with respect to notices for applications that are currently required to be made on-air only.

Additionally, in establishing an on-air/online option, we strongly urge the FCC to ensure that the requisite on-air announcement is very brief. We note that if the on-air announcement required under any revised rule is longer than the announcement proposed by NAB in our April 2018 ex parte notice,⁴ it will fail to provide a less burdensome option for anyone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Erin L. Dozier', with a stylized, cursive script.

Erin L. Dozier
Senior Vice President and Deputy General Counsel
Legal and Regulatory Affairs

cc: Michelle Carey, Martha Heller, Shaun Maher, Raelynn Remy, Holly Saurer, Al Shuldiner

Additionally, depending on the length of the on-air component of any revised rule, some stations may not see an advantage in airing an announcement and maintaining an online notice.

⁴ NAB April 13, 2018 Ex Parte at 2. The sample script NAB proposed is as follows: “On [Date], Station [call letters] filed an application to [purpose, e.g., renew our license, assign or transfer our license, etc.], which is subject to public comment. To review our application, please visit [website reference].” The proposed statement invites comment by stating that the application is “subject to public comment.” Under the current rules, license renewal application notices must provide a bit more detail on public comment. 47 C.F.R. § 73.3580(d)(4) and (g)(1)(H). No other application notices require any information on the ability of the public to comment. Our proposed language is intended to strike a balance.

Meeting Attendees

FCC Media Bureau Staff

Michelle Carey
Martha Heller
Shaun Maher
Raelynn Remy
Holly Saurer
Al Shuldiner

National Association of Broadcasters Staff

Erin Dozier
Jerianne Timmerman