

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.3613 of the)	
Commission’s Rules Regarding Filing of)	MB Docket No. 18-4
Contracts)	
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

COMMENTS OF NEXSTAR BROADCASTING, INC.

Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of 159 full-power and Class A television stations, respectfully submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking seeking comment with respect to its outdated rule that requires all licensees to file certain contracts and other documents with the Commission within 30 days of their execution.¹ Nexstar commends the Commission’s efforts to modernize its rules to “eliminate unnecessary paperwork and reduce administrative burdens on licensees and the Commission.”² And, Nexstar agrees with the Commission that eliminating this outdated and redundant filing requirement will conserve human and natural material resources now consumed by the unnecessary manual (paper) submission and ongoing physical maintenance of certain contracts and other documents by the Commission.

Section 73.3613 requires all broadcast licensees and permittees to submit a wide variety of contracts and other documents to the Commission, including documents of ownership and control, lender agreements, network affiliation agreements, time brokerage and joint sales agreements, and

¹ *Amendment of Section 73.3613 of the Commission’s Rules Regarding Filing of Contracts; Modernization of Media Initiative*, Notice of Proposed Rulemaking, FCC 18-8, MB Dockets 18-4 and 17-105(rel. Jan. 30, 2018) (“NPRM”).

² NPRM at ¶ 4.

other similar “control” documents (required documents).³ The Commission receives and warehouses these documents for internal and public review. Due to the sheer volume of paper the Commission receives on a regular basis, it is unable to maintain all documents onsite and is relegated to storing older, and sometimes retired, documentation at the National Archives, located in Silver Spring, Maryland, an access-controlled facility which requires visitors to visit by appointment only.⁴ Moreover, even those records kept within the Commission’s headquarters are not well-organized and easily searchable.⁵

Section 73.3613, adopted in the late 1930s, “was intended to keep the Commission, and the public, informed with respect to the ownership and control of broadcast stations and . . . compliance with the [Commission’s] rules relating to those matters” and paper submission of the relevant contracts or documents “was the most efficient mechanism available”⁶ Some thirty years later, the Commission also began to requiring licensees to retain these required documents within the station’s public inspection file.⁷ In 1998, the Commission revised the rule to permit licensees with the option of maintaining an up-to-date list of the required documents in the public file (rather than the actual documents themselves), balancing the public interest by requiring that licensees send copies of requested documents to requesting parties “within seven days.”⁸

³ 47 C.F.R. 73.3613 (“Section 73.3613”).

⁴ <https://www.archives.gov/research/guide-fed-records/groups/173.html> (last visited on March 19, 2018).

⁵ The last several times that Nexstar has tried to locate a required document in the Commission’s records it has been unable to find the applicable document. In fact, the last time the Commission sought to review certain documents previously submitted by Nexstar, the Commission contacted Nexstar for said documents because it was unable to locate the documents in its records room. Nexstar was able to provide the Commission with a stamped copy of its previous filing for review.

⁶ *Id.* ¶ 2.

⁷ NPRM ¶ 3.

⁸ *Id.*

In 2012, the Commission began its transition to modern document retention and access methods by implementing the online public inspection file, in which licensees are required to place either copies of the required documents or an up-to-date contract list.⁹ However, notwithstanding the fact that the public is unlikely to travel to Washington D.C. (or Maryland) in order to visit the Commission's Reference Room to review required documents when they can instead visit the station's online public file to do so, the Commission has continued to require its licensees and permittees to submit paper copies of the required documents to the FCC for storage in its files.

Therefore, now is the time to eliminate the inefficient, resource laden exercise of requiring licensees and permittees to manually submit the required documents to the Commission and eliminate Section 73.3613. This will result in positive resource management benefits for both the Commission and its licensees. The Commission will no longer need to process and retain the documents, and licensees will no longer have to expend resources preparing, copying, and shipping these documents to the Commission. Accordingly, both the Commission and its licensees will save time and money; resources which can then be redirected to increase innovation and improve competition within the broadcast industry.

Moreover, elimination of Section 73.3613 will not negatively impact the public interest because the public will continue to be able to access the licensee required document library through the online public inspection file, and they can easily request full copies of these documents directly from broadcast licensees.¹⁰ With respect to the Commission's continued ability to access the

⁹ See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535 (2012); and *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, 31 FCC Rcd 526 (2016).

¹⁰ Licensees are required to list the required documents in their biennial ownership report, or the Commission can simultaneously with this proceeding amend Sections 73.3526 and 73.3527 to insert a requirement that licensees include a required document list in a separate section of the online public file. This would memorialize the necessary document management and retention required of each broadcast licensee and permittee after the elimination of Section 73.3613.

required documents, Section 73.1226(d) permits the Commission to access station logs and records.

Eliminating Section 73.3613 will eradicate redundancies within the FCC's procedures and further streamline the Commission's rules without any adverse effect on its obligation to ensure that broadcast licensees continue to serve the public interest and maintain the necessary transparency. Accordingly, Nexstar urges the Commission to continue its elimination of outdated rules and policies which unnecessarily impede competition and innovation to the detriment of the public interest, and eliminate Section 73.3613 from its rules.

Respectfully submitted,

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