



April 13, 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 Wednesday, April 11, 2018, I participated in a telephone conference with Mary Beth Murphy and Raelynn Remy of the FCC's Media Bureau to discuss the above-captioned proceedings.

Consistent with our comments,<sup>1</sup> the National Association of Broadcasters (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.<sup>2</sup> 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.<sup>3</sup> There, we observed that the Commission could rely on its successful adoption of online disclosure requirements for material terms relating to broadcast contests.<sup>4</sup> In a previous ex parte meeting, NAB proposed some practical ways to apply the contest rule approach to application notices.<sup>5</sup> We stated that an updated public notice rule could require licensees to

---

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

<sup>2</sup> *Id.* at 8.

<sup>3</sup> *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).

<sup>4</sup> *Id.*

<sup>5</sup> See Letter from Erin L. Dozier, NAB to Marlene H. Dortch, Secretary, FCC, MB Docket Nos. 17-264, 17-105, 05-6 (Mar. 5, 2018) (NAB March 5 Ex Parte) at 1-2.

place online notices on a “publicly accessible” website available 24/7, for free, with no registration required; and broadcast the address of the website with “information sufficient for a consumer to find [the applications] easily.”<sup>6</sup> NAB reiterated these suggestions during the April 11 conference call, and provided some further practical implementation suggestions.

First, we provided a sample script that could be used for the on-air announcement, regardless of the type of application or service at issue:

- *“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].”*

Second, to follow up on our previous suggestion that the Commission streamline and simplify the timing of notices,<sup>7</sup> we proposed the following modifications:

- **Time of Day Aired:** The current rule requires a certain number of on-air announcements to be made at certain times of day (e.g., for most applications involving full-power commercial stations, three announcements must air during prime time/drive time (i.e., 6 PM – 11 PM for TV; 7 AM – 9 AM and/or 4 PM – 6 PM for radio). For post-filing renewal announcements, an announcement also has to air in each of three additional windows, which are different for television and radio.<sup>8</sup> We proposed that instead, the rules provide that announcements can be made anytime between 7 AM and 11 PM. At a minimum, the FCC should consider reducing the number of announcements that have to be made in prime-time/drive time (e.g., for some services, only two of the announcements need to be in prime time).
- **Number of Announcements:** For renewal applications, eliminate the requirement that notices associated with renewal applications air on two specific days of the month beginning six months prior to license expiration,<sup>9</sup> and change that to once per month (on any day). For other applications, reduce from “once daily on four

---

<sup>6</sup> *Id.*, citing Contest Order at ¶ 12. NAB proposed that, as in the contest rule context, the FCC should again decline to require that licensees broadcast the “complete, direct website address.” Requiring a complete website address (e.g., including “http://www.”) would be both burdensome to broadcasters and confusing to the public in an on-air announcement. *Id.*

<sup>7</sup> NAB March 5 Ex Parte at 2.

<sup>8</sup> 47 C.F.R. §73.3580(d)(4)(ii)(B)(1)-(2).

<sup>9</sup> 47 C.F.R. §73.3580(d)(4)(i)-(ii)(pre-filing announcements must be made on the 1<sup>st</sup> and 16<sup>th</sup> day of the month beginning six months before license expiration; post-filing announcements must be made on the same days of the month).

days in the second week” after tendering an application<sup>10</sup> and change to “once daily on three days in the second week.”

We observed that, even with some reductions in the number of on-air announcements, the public will still have more and better access to information about stations’ applications under a rule that combines on-air and online notice. Application notices will now be available to the public on stations’ websites 24/7, and stations certainly seek to drive traffic to their websites.

Finally, in response to the FCC’s inquiry, we provided further input on how a combination of on-air and online notices could apply to licensees who are unable to originate 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). NAB proposed that such stations be permitted to purchase an online equivalent of a newspaper notice, such as advertisement on a website associated with a local newspaper, TV or radio station.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ERL Dozier', with a stylized flourish at the end.

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

cc: Mary Beth Murphy, Raelynn Remy

---

<sup>10</sup> 47 C.F.R. §73.3580(d)(3)(i).