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May 4, 2020

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Amendment of Section 73.3580 of the Commission's Rules, MB Docket  
Nos. 05-06, 17-105 and 17-264; Notice of *Ex Parte* Presentation

Dear Ms. Dortch:

The undersigned and David Burns of Lerman Senter, PLLC, and Laura Berman, Senior Counsel, Entercom Communications Corp., participated in a telephone conference with Alexander Sanjenis, Media Advisor to Chairman Pai, on May 1, 2020 and in a telephone conference with Joel Miller, Chief of Staff to Commissioner O'Rielly, on May 4, 2020. The purpose of the calls was to discuss certain aspects of the draft Second Report and Order ("Draft Order") in the above-referenced proceeding released by the Commission on April 22, 2020. Lerman Senter filed comments and reply comments in the above-captioned proceeding on behalf of a group of eleven broadcasters, including Entercom, who collectively are the licensees of 815 commercial and non-commercial television and radio stations (the "Joint Commenters").

During the calls, we expressed the Joint Commenters' general support for the proposals in the Draft Order but stated that there were a few proposals in the Draft Order that are unduly burdensome.

Joint Commenters are concerned about the proposed requirement that for applications for which online notice is necessary, broadcast stations would be required to include an FCC Applications tab or link at the top of the website homepage. Joint Commenters believe that stations should be provided with the flexibility to decide where on the homepage to include a link to a page that will provide the requisite public notice for pending applications. We explained that some broadcasters have websites that are styled and designed in a manner that does not include tabs at the top and that requiring them to redesign their websites would be burdensome and costly. In addition, in numerous other contexts where the FCC has required broadcasters to include a link to certain information on their website homepage, such as for

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contest rules, closed captioning information, EEO reports and the public inspection file, they have not mandated that the link be in a specific location, and in the case of the requirement for contest rules, the Commission directed that the link be conspicuous but did not require that it appear in a specific location. We also discussed that website visitors are used to finding links to legal information, including other FCC information, at the bottom of a homepage, and that requiring an FCC applications tab/link to be in a different location could cause confusion.

We also discussed that the proposed requirement to mandate the inclusion of the public notice information in station apps — in addition to on stations' websites — is unnecessary and burdensome. The Commission does not currently require that any content be placed on station apps and mandating the inclusion of specific public notice information could cause certain stations to have to change and redesign apps. We emphasized that imposing new regulations that may require broadcasters to redesign the architecture of websites and station apps could be time-consuming and expensive, which potentially eliminates the cost-saving benefits of eliminating the newspaper publication requirement.

We also explained that the proposed requirement for broadcasters to maintain an FCC Applications tab or link on their websites at all times and a statement on the jump-page that no applications are pending and the date the page was last updated is overly burdensome and serves no apparent public purpose. The requirement that is being replaced requiring newspaper publication, was time-limited; therefore, it would make the most sense to require the online notice tab/link similarly only be maintained when a station has a pending application for which online notice is required.

We explained that the statute underlying the application public notice rule provides the Commission with substantial flexibility, directing only that it prescribe the form and content of notices and the manner and frequency with which the notices be given. Joint Commenters believe that the Commission should provide licensees with similar flexibility in determining where on their website homepages to include a link to the Public Notice announcement and should not as part of an initiative to eliminate unnecessary and burdensome regulations adopt requirements that are more burdensome than the requirements being replaced.

In accordance with Section 1.1206 of the Commission's rules, this letter is being filed electronically in the above-referenced proceedings.

Respectfully submitted,

/s/ Sally A. Buckman

Sally A. Buckman

Counsel to Joint Broadcast Commenters

cc: Alexander Sanjenis  
Joel Miller